Mukhtasar al-Quduri

JURISPRUDENCE (FIQH)

A Hanafi Fiqh

"The faqih is the one who is frugal in this world, desirous of the Hereafter, a person who has insight into his religion, who is constant in the worship of his Lord, who keeps himself well away from [violating] the characters of and property Muslims, and who is an advisor to them." [Hasan al-Basri]

- **JUDICIAL / STATE**
  - **Politics / *Jihad***
  - **Caliphate**
  - **Penal Law**

Overview of Fiqh

JURISPRUDENCE (*FIQH*)

Definitions

Shari`ah - Those doctrinal, practical and dispositional regulations which Allah has legislated through one of His Messengers.
Fiqh - The science of extraction of practical religious regulations from their detailed sources.
Fiqh is the practical implementation of shari`ah through its human understanding.

Differences between the Islamic Shari`ah and Man-Made Systems of Law

1. **Divine origin vs. Human origin.**
2. **Consequences in this world and the Hereafter vs. This world only.**
3. **Development of personal accountability to Allah vs. Mere loyalty to the law**
4. **Absolute criteria providing for the benefit of creatures vs. Popular opinion which may or may not be beneficial.**

Foundations of the Islamic Shari`ah

1. **Consideration of the welfare of the servants, both in this world and the Hereafter.**
2. **Connection of regulations to their rationales, and persistence of the regulations in the presence and absence of the rationales.**
3. **Gradual, progressive legislation.**
4. **Preclusion of hardship.**
5. **Establishment of justice.**

Categories of Actions

Fard

Fard `Ayn
Fard Kifayah

(Wajib)
Sunnah
- **Sunnah Mu'akkadah**
- **Mustahabb**

Mubah
Makruh (Tanzihi)
(Makruh Tahrimi)
Haram

Branches of Fiqh

Worship (`Ibadat)

Purification	Salah	Zakah
Fasting	Hajj	Jihad

Financial Transactions

Trade	Interest	Advance-Purchase	Manufacturing
Leasing & Hiring	Collaterals	Partnerships	Commissioning
Debts	Gifts	Endowments	Lost & Found
Deposits	Agriculture	Hoarding	

Personal Relations

Marriage	Divorce	Custody
Support	Inheritance	Manumittance

Penal Code

Murder	Theft	Adultery	Slander
Highway Robbery	Drinking	Oaths & Expiations	Judgment
Testimony	Coercion		

Sources of Fiqh

Primary Sources
- **Qur'an**
- **Sunnah**

Secondary Sources

Consensus (*Ijma`*)
Analogy (*Qiyas*)

Evolution of Fiqh

Fiqh at the time of the Prophet (may Allah bless him and grant him peace).
Fiqh in the time of the Sahabah.
The four Imams and their schools.
Imam Abu Hanifah an-Nu`man ibn Thabit al-Kufi, (80-150 A.H.).
Imam Abu `Abdillah Malik ibn Anas al-Yahsubi, (93-179 A.H.)
Imam Abu `Abdillah Muhammad ibn Idris al-Shafi`i, (150-204 A.H.)
Imam Abu `Abdillah Ahmad ibn Muhammad ibn Hanbal al-Shaybani, (164-241 A.H.)
Agree on ~ 75% of material.

Necessity of following scholars
The Methodology of Acquiring Knowledge.
Taqlid.

Mukhtasar al-Quduri



Mukhtasar al-Quduri

Introduction (by the translator)

Worship (`Ibadat)

Purity	Salah	Zakah
Fasting	Hajj	Jihad

Personal Relations and Issues

Marriage	Divorce	Custody
Support	Inheritance	Manumittance
Food and Drink		

Financial Transactions

Trade	Interest	Advance-Purchase	Manufacturing
Leasing & Hiring	Collaterals	Partnerships	Commissioning
Debts	Gifts	Endowments	Lost & Found
Deposits	Agriculture	Hoarding	

Penal Law

Murder	**Theft**	**Adultery**	**Slander**
Highway Robbery	**Drinking**	**Oaths & Expiations**	**Judgment**
Testimony	**Coercion**		

Mukhtasar al-Quduri - Introduction

Mukhtasar al-Quduri

Brief Biography of Imam al-Quduri

He is Abu'l-Hasan Ahmad ibn Muhammad ibn Ahmad ibn Ja`far ibn Hamdan al-Quduri al-Baghdadi, the Hanafi jurist, born 362 AH. Al-Quduri is an ascription to the selling of pots (qudur).

Abu'l-Hasan al-Quduri took his knowledge of fiqh from Abu `Abdillah Muhammad ibn al-Jurjani, from Abu Bakr al-Razi, from Abu'l-Hasan al-Karkhi, from Abu Sa`id al-Barda`i from `Ali al-Daqqaq, from Abu Sahl Musa ibn Nasr al-Razi, from Muhammad ibn al-Hasan al-Shaybani, from Abu Hanifah, from Hammad ibn Abi Sulayman, from Ibrahim al-Nakha`i, from `Alqamah, from `Abdullah ibn Mas`ud (may Allah be pleased with him) from the Prophet (may Allah bless him and his Household and grant them all peace).

Al-Quduri was one of the *ashab al-tarjih* (jurists who weighed and analyzed the strengths of differing verdicts in the *madhhab*). The leadership of the Hanafis in `Iraq came to rest with him, and his renown rose. His mention recurs in the well-known Hanafi books *al-Hidayah* and *al-Khulasah*. He died on 15th Rajab 428 AH in Baghdad, and was buried in his home, but was later transported and buried beside Abu Bakr al-Khawarizmi, another Hanafi jurist.

**He authored: *al-Mukhtasar*, the fiqh summary bearing his name. *Sharh Mukhtasar al-Karkhi*, *al-Tajrid*, in seven volumes, encompassing the disagreed issues between the Hanafis and Shafi`is. *al-Taqrib*, also in issues of disagreement, a summary which he compiled for his son,
and other works.**

An Introduction to *Al-Mukhtasar*

Perhaps al-Quduri's most famous work, *Al-Mukhtasar* is also known as *al-Kitab.* The number of issues it addresses is 12,500, spanning the entire spectrum of fiqh, for the book covers not only matters of worship, but also business transactions, personal relations and penal and judicial matters. Abu `Ali al-Shashi said about the book, "Whoever memorizes this book is the best accomplished of our associates in memorization, and whoever understands it is the best accomplished of our associates in understanding."

As is common with fiqh summary texts (*mutun*, singular : *matn*), the book generally does not make a point of providing evidences and derivations of the regulations. The bases and reasonings behind the verdicts presented can be pursued in more advanced books of the madhhab, and also require some knowledge of *usul al-fiqh*. The traditional method of learning is for young people to first study (and often memorize) a basic *matn*, then later go back and study each issue in more detail, and/or along with the evidences.

It is related that when al-Quduri wrote this book, he carried it with him to the Ka`bah, and hung it from its curtains. He asked Allah the Exalted to bless him in it, and this prayer was apparently fulfilled. The book is recognized and respected as a reliable book of the school, and has had various commentaries written on it. Along with Muhammad ibn al-Hasan's *Al-Jami` al-Saghir*, it formed the nucleus of al-Marghinani's widely-renowned *Al-Hidayah* - which itself was commentated on by numerous scholars, among the more famous of them Hafiz Badr al-Din al-`Ayni (the author of the commentary on al-Bukhari *`Umdat al-Qari*) in *Al-Binayah*, and Hafiz Kamal al-Din Ibn al-Humam in *Fath al-Qadir*. It has been said that Hafiz Ibn Taymiyyah, the Hanbali scholar, used *Al-Mukhtasar* as his primary reference for the Hanafi school's positions. Upto this day, the book enjoys a wide acclaim, still forming a part of the teaching curriculum in many traditional *madaris*, and with prominent and accomplished contemporary scholars continuing to recommend and approve it as a teaching text.

Advice of Caution

Despite the undisputed respectability of *Al-Mukhtasar*, we should bear in mind that perfection belongs only to Allah. While the book is, on the whole, free from serious blunders, the author in some places will present a verdict which may not be the soundest position on the issue under examination. In some such places, I have inserted the more authentic view within brackets or braces, while in others I have left al-Quduri's text unchanged. Al-Quduri often mentions differing views on an issue, and in these cases, it should be borne in mind that the mere fact that a scholar has given a particular verdict does not mean it may be legitimately followed. Sometimes, even a reputed scholar may have made a mistake, or not been in possession of all the evidence. Hence, wherever al-

Quduri presents more than one view on a matter, further investigation is needed to determine which is the authentic or more authentic view -- which is to be followed. Another point to be borne in mind is that al-Quduri generally does not distinguish between unrestricted permissibility and validity (but with an accompanying sin), and similarly between impermissibility and that prohibition which invalidates the deed in question, and between desirability and obligation.

In view of the preceding points, the translation presented on this web-site is not meant to be a final authority; but is intended merely as a quick-reference resource. As for studying from and verifying its content, this is best done through studying the text with a qualified and dependable scholar, and/or referring to one of the reputable commentaries such as `Abd al-Ghaniyy al-Ghunaymi's *Al-Lubab fi Sharh al-Kitab*, as well as to other dependable books of the madhhab. Such studying is also essential to ensure one does not misunderstand any of the text.

Finally, it should be noted that I have often re-arranged Quduri's text -- sometimes liberally -- in order to fit into the particular logical / intuitive framework that I feel comfortable with. I have also added many sub-headings which the author himself did not have, my aim again being to present the information in an easily-digestible form.

[*NOTE : Some of the above information (especially the biographical notes) has been taken from the preface to the edition of Mukhtasar al-Quduri edited by Shaykh Kamil Muhammad Muhammad `Uwaydah, Dar al-Kutub al-`Ilmiyyah, Beirut, 1997/1417.*]

Purification

PURIFICATION (*TAHARAH*)

(According to the Qur'an and Sunnah, as extracted and inferred by scholars of the Hanafi school.)
From "*Mukhtasar al-Quduri*", a matn of Hanafi fiqh

1.0 WUDU

1.1 The Rudiments of Wudu'

Allah, the Exalted, says, (translated),
"O you who believe! When you stand for prayer, then wash your faces, and your hands upto the elbows, and wipe your heads, and [wash] your feet upto the ankles."
So, the obligatory elements of purification [i.e. wudu'] are:

- **Washing the three parts [the face, the two arms, and the two feet]. The elbows and the ankles are included in washing.**
- **Wiping the head - the obligatory [part] in wiping the head is the extent of the forelock [one-fourth], based on that which Mughirah ibn Shu`bah narrated, that the Prophet (may Allah bless him and grant him peace) made wudu' and wiped his forelock and his khuffs.**

1.2 The Sunnah Actions of Wudu'

The sunnah actions of wudu' are:

1. **Washing the two hands before inserting them into the container [of water], [especially] after the mutawaddi'**

awakens from his sleep.
2. Taking the name of Allah, the Exalted at the start of the wudu'.
3. Siwak
4. Rinsing the mouth
5. Inhaling water
6. Wiping the ears
7. Combing the beard and
8. [Combing] the fingers
9. Repeating the washing upto thrice.
10. To intend purification
11. Covering the entire head with wiping
12. Performing the wudu' in order, such that he starts with that with whose mention Allah, the Exalted has begun with.

It is recommended for the mutawaddi' to [start] with the right parts.

1.3 The Invalidators of Wudu'

The incidents which invalidate wudu' are:

1. Anything which exits from the two paths.
2. Blood, pus or serum when they exit from the body and encroach on a place which it is incumbent to purify.
3. Vomit, if it was a mouthful.
4. Sleep lying down, or leaning [on one's side] or reclining such that if it were removed he would fall.
5. Loss of consciousness through fainting or insanity.
6. Laughter in any prayer containing ruku` and sujud.

2.0 GHUSL

2.1 The Rudiments of Ghusl

The obligatory parts of ghusl are:

1. Rinsing the mouth.
2. Inhaling water.
3. Washing the rest of the body.

2.2 The Sunnah Actions of Ghusl

The sunnah actions of ghusl are that the one performing ghusl:

1. Begin with washing his hands and genitals.
2. Remove filth if it is on his body, then
3. Perform wudu', like the wudu' for salah, except for his feet, then
4. Pour water over the rest of his body thrice, then
5. Step aside from that place and then wash his feet.

Women are not obligated to undo her braids in ghusl if the water reaches the roots of the hair.

2.3 The Necessitators of Ghusl

The incidents which obligate ghusl are:

1. Emission of semen , accompanied by spurting and excitement, from a man or a woman.
2. Contact of the two circumcized parts [even] without ejaculation.
3. Menstruation
4. Post-natal bleeding

There is no ghusl [required] for [emission of] prostatic fluid and wady , but wudu' [is needed] for [emission of] them.

2.4 Sunnah Ghusl

The Messenger of Allah D made ghusl sunnah for:

1. Jumu`ah
2. The Two `Ids
3. Ihram

3.0 WATER

3.1 Suitable and Unsuitable Water

Purity from hadath is permissible with water from:

1. the sky
2. [lakes and] valleys
3. springs
4. wells
5. oceans

It is not permissible with:

1. **[Liquid] squeezed out of trees or fruits.**
2. **Water which is preponderated by something else and [which has] removed it from the nature of water, such as drinks, rose-water, pea-water, gravy or infusion of safflower.**
3. **Used water may not be used for the cleansing of hadath. Used [water] is : any water that with which hadath has been removed,or which has been used on the body by way of worship.**

3.2 Addition or mixture of substances with water

1. **Purification is permissible with water which has been admixed with something clean such that it changed one of its properties, such as flood water, or water with which saltwort, soap or saffron has been mixed [as long as the water's fluidity and viscosity remains unchanged].**
2. **Wudu' is not permissible with any [small quantity of still water] in which filth has fallen, whether [the filth] is a little or lot, because the Prophet (peace and blessings be upon him) ordered for water to be safeguarded from filth, for he said, "None of you shall urinate in standing water, nor shall you make ghusl in it from janabah." And he (peace and blessings be upon him) said, "When one of you awakens from his sleep, he shall not immerse his hand in the vessel until he has washed it thrice, for he does not know where his hand was when he slept."**
3. **As for flowing water, if filth falls in it, wudu' is permissible with it, provided no trace of [the filth] is seen, because [the filth] does not remain stationary with the flowing of the water. [For] a large pond, of which one end does not move [immediately] with the movement of the other side, if filth falls in one end of it, wudu' is permissible from the other end, because the apparent [impression] is that the filth does not reach it.**
4. **The death in water of anything without flowing blood, such as bugs, flies, hornets or scorpions, does not render it filthy. The death [in it] of that which lives in water, such as fish, [aquatic] frogs and [aquatic] crabs, does not spoil it.**

3.3 Wells

Cleansing of wells

1. **If filth [other than an animal] falls into a well, it should be drained. Draning whatever water it contains is a cleansing for it.**
2. **If there dies in it a rat, or sparrow, or robin, or swallow, or**

venomous creature, or gecko, [then] between twenty and thirty buckets should be drained from it, depending on the largeness or smallness of the animal.

3. If there dies in it a pigeon, or chicken, or cat, [then] between forty and sixty buckets should be drained from it.
4. If there dies in it a dog, or sheep, or human, all of the water that [the well] contains should be drained.
5. If the animal becomes distended or disintegrated in [the well], all the water [the well] contains should be drained, whether the animal was small or big.
6. The number of buckets is reckoned according to a medium bucket which was used in the wells in villages. So, if a large bucket was used to drain water from it, such as could contain twenty of the medium buckets, that is taken into account.
7. If the well has springing water, such that it cannot be drained, but it becomes obligatory to drain it, they should take out the amount of water which was [initially] in it. It has been narrated from Muhammad ibn al-Hasan (may Allah's mercy be upon him) that he said : Two hundred to three hundred buckets should be drained from it.

Finding a dead creature in the well

1. If a rat or something else [like it] is found in the well, and they do not know when it fell in, and it has neither distended nor disintegrated, they should repeat the prayers of a day and a night if they had made wudu' from it, and [they should] wash everything which its water touched.
2. If it had distended or disintegrated, they should repeat the prayers of three days and nights according to verdict of Abu Hanifah (may Allah have mercy upon him). Abu Yusuf and Muhammad (may Allah have mercy upon them) said : there is no repetition [due] upon them unless they ascertain when it fell in.

3.4 Leftovers

1. The leftover of humans, and [of] those [animals] whose meat may be eaten, is clean.
2. The leftover of dogs, pigs and carnivorous beasts is filthy.
3. The leftover of cats, free-roaming chickens, carnivorous birds, and domestic animals such as snakes and rats, is disliked.
4. The leftovers of the donkey and mule are doubtful. So, if one does not find anything else, one performs wudu' with them and tayammum. Whichever [of wudu' and tayammum] he starts with, it is valid.

4.0 TAYAMMUM

4.1 Excuses Permitting Tayammum

1. **One who cannot find water while travelling, or**
2. **[One who is] outside settled land with approximately one mile c more between him and the water, or**
3. **[One who] can find water, but is sick, and is afraid that if he us the water, his sickness will be intensified, or**
4. **If one in janabah fears that if he makes ghusl with the water, tl cold will kill him or make him ill [in all these cases] one may perform tayammum with the surface of the earth.**
5. **Tayammum is permissible for a healthy person in a settled area funeral is present, and the executor/guardian is other than hims such that he fears that if he occupies himself with purification tl the salah will elude him. So, he performs tayammum and pray**
6. **Similarly, one who is present at `Id, and fears that if he occupi himself with purification, the salah of [one of] the Two `Ids will elude him, he performs tayammum and prays.**
   - **If one who attends Jumu`ah is fears that if he occupies hi with purification, the salah of Jumu`ah will elude him, he c not perform tayammum. Rather, he makes wudu', and th he catches Jumu`ah, he prays it, otherwise he prays Zuhr four [rak`ah].**
   - **Similarly, if the time is tight, and one fears that if he make wudu', the time will elapse, he does not perform tayammu Rather, he performs wudu' and prays a missed prayer.**
7. **It is recommended for one who does not find water, but is hope of finding it at the end of the time, to delay the prayer to the la [part] of the time. Then, if he finds water, he performs wudu' v it and prays, otherwise he performs tayammum [and prays].**
8. **It is not [obligatory] upon the traveller, if he is not inclined to believe that there is water close to him, to seek water. But, if l inclined to believe that there is water, it is not permissible for h to perform tayammum until he has searched for it. If his companion has water, he demands it from him before he perfor tayammum. If he denies it to him, he performs tayammum anc prays.**

4.2 Its manner

Tayammum is two strikes : one wipes one's face with one of them, a one's arms to the elbows with the other. Tayammum from hadath a

janabah are the same [in their manner].

Intention is obligatory in tayammum, but recommended in wudu'.

4.3 Its materials

According to Abu Hanifah and Muhammad, tayammum is permissible with anything which is of the category of earth, such as soil, sand, st gypsum, lime, antimony and arsenic. Abu Yusuf (may Allah have me upon him) said : it is not permissible except with soil and sand specifically.

Tayammum is not valid except with a clean earth-surface.

4.4 Its Invalidators

1. **Tayammum is invalidated by everything which invalidates wudu**
2. **It is invalidated also by seeing water, if on is capable of using it**
   - **If a traveller forgot water in his bags, and so made tayam and prayed, and then remembered the water during the ti he does not repeat the salah according to Abu Hanifah and Muhammad (may Allah have mercy upon them) Abu Yusu said : he repeats it.**
3. **One may pray with his tayammum whatever he wishes of obliga and optional [prayers].**

5.0 WIPING ON THE KHUFFS

5.1 Its Permissibility

1. **Wiping on the khuffs is permissible, based on the sunnah, from every hadath necessitating wudu', provided one wore the khuffs a state of complete purity and then underwent hadath [after tha Wiping on the khuffs is not permissible for one on whom ghusl i obligatory.**
2. **If one is resident, one may wipe a day and a night. If one is a traveller, one may wipe three days and nights. The start [of th time limits] is after the [first] hadath.**

   One who began wiping while resident, and then travelled before end of a day and a night, may wipe three days and nights. One who began wiping while travelling, and then took up residence, if he had wiped a day and a night or more, he is required to ren his khuffs and wash his feet. If he had wiped for less than a da and a night, he may complete his wiping [until] one day and nig

[have passed completely].

3. It is not permissible to wipe on a khuff containing a big tear from which is visible the extent of three toes, but if [the tear] is less than that it is permissible.
4. Wiping is not permissible on socks, according to Abu Hanifah, unless they are [either] covered with leather, or soled. Abu Yusuf and Muhammad said : It is permissible to wipe on socks if they are thick, not transmitting the water.
5. One who wears jurmuq over his khuffs may wipe over them.
6. Wiping on turbans, caps, scarves or gloves is not permissible.
7. It is permissible to wipe on a splint, even if it was fastened without [prior] wuduʾ. Then, if it fell off without healing, the wiping is not invalidated. But, if it fell off after healing, the wiping is invalid.

5.2 Its manner

Wiping on the khuffs is on their outside, in lines with the fingers, starting from the tips of the toes [and continuing] to the shin. The obligatory part of that is the extent of three fingers of the smallest on the hand.

5.3 Its Invalidators

The wiping is invalidated by:

1. That which invalidates wuduʾ, as well as
2. Removing the khuff, and
3. Expiry of the time limit. If [only] the time limit expires, one removes one's khuffs and washes one's feet and pray, and one is not obligated to repeat the remainder of the wuduʾ.

6.0 MENSTRUAL BLEEDING

6.1 Definitions

The minimum menstrual bleeding is three days and nights, ans [so] anything which falls short of that is not menstrual blood (hayd) but chronic bleeding (istihadah).
The maximum menstrual bleeding is ten days and nights, and [so] anythign which exceeds that is istihadah.
That red, yellow and murky [discharge] which a woman sees in the days of menstrual bleeding is menstrual discharge, [and her period

persists] until she sees pure white [liquid].

6.2 What is prohibited with hayd and nifas

1. Hayd waives salah from a woman, and prohibits fasting for her. She makes up the fasting [later], but does not make up the salah.
2. She may not enter a mosque,
3. Nor circumambulate the House [i.e. the Ka`bah]
4. Nor may her husband approach her [for intercourse]

A menstruating woman and one in janabah :

1. May not: recite the Qur'an
2. [They, as well as] one with hadath may not touch a mushaf [i.e Qur'an], unless they hold it with its case.

6.3 Completion of purity

1. If the menstrual bleeding ceases in less than ten days, it is not permissible [for her husband] to have intercourse with her until
   - she performs ghusl
   - or the complete time of a salah passes her by.
2. If her bleeding ceases after ten days, it is permissible [but not recommended] to have intercourse with her before [she perforr ghusl.
3. If purity interrupts two bleedings within the period of menstruat it is [treated] as [continuously] flowing blood.
4. The minimum period of purity is fifteen days, and there is no lir for its maximum.

6.4 Chronic Bleeding (Istihadah)

1. The blood of istihadah is that which a woman sees for less than three days or more than ten days [in menstruation, or more tha forty days after child-birth].
2. Its verdict is [the same as] the verdict of a perpetual nosebleed does not prevent fasting, nor salah, nor intercourse.
3. If bleeding exceeds ten days, and a woman has a known cycle, referred back to the days of her cycle, and whatever exceeds th considered istihadah. If she entered maturity in the state of istihadah then her menstrual bleeding is [considered to be] ten of every month, and the remainder is istihadah.

The woman with istihadah, and [similarly] someone with a constant of urine, or a perpetual nose-bleed, or a wound which does not stop [bleeding], performs wudu' for the time of each salah, and then they [may] perform with that wudu' whatever they wish of fard and nafl.

Then, when the time exits, their wudu' is invalidated, and they must repeat the wudu' for another salah.

6.5 Post-Natal Bleeding (Nifas)

1. **Nifas is the blood which exits following child-birth. The blood which a pregnant woman sees, and that which a woman sees during child-birth but before the emergence of the child is istihadah.**
2. **There is no limit for the minimum [duration] of nifas, but is maximum is forty days. Whatever exceeds that is istihadah. If bleeding exceeds the forty [days], and this woman had given birth before and has a regular [cycle] in post-natal bleeding, it is referred to the days of her regular [cycle]. But, if she does not have a regular [cycle] then her initial nifas is forty days.**
3. **Whoever gives borth to two children in one pregnancy, her nifas is that blood which exits after the first child....**

7.0 FILTH

Purification of filth from the body and clothing of the musalli is obligatory, as from the place in which he performs salah.

7.1 Means of cleansing

1. **Cleansing of filth is permissible with water, and with any pure liquid with which it can be removed, such as vinegar and rose-water.**
2. **If filth has touch become affixed to a khuff, and it has body, and then it dried, then rubbing it with the ground is permissible.**
3. **Semen is unclean, and it is obligatory to wash it, but if it has dried on a garment it suffices to scrape it off.**
4. **If filth becomes affixed to a mirror, or a sword, it is sufficient to wipe it.**
5. **If the ground is contaminated by filth, and then it dries in the sun and its trace disappears, salah is permissible in that place, but tayammum is not permissible from it.**
6. **Any hide which has been tanned has become clean - salah is valid on it, and wudu from it - except the skins of pigs and humans. The hair of a dead animal, its bones, hooves, sinews and horns are clean.**

7.2 Regulations of Cleansing

1. **Whoever is contaminated by severe filth, such as blood, urine, stool, or wine, to the extent of a dirham or less, salah is permis with it, but if it is more [than a dirham] it is not permissible.**
2. **If he is contaminated with light filth, such as the urine of those [animals] whose flesh may be eaten, salah is permissible with it long as it does not reach one fourth of the garment.**
3. **Cleansing of the filth which it is obligatory to wash is of two categories:**
   - **That which has a visible essence, its cleansing is the remo of its substance, unless there persists some trace of it whi cumersome to remove.**
   - **That which does not have a visible essence, its cleansing is that it be washed until the one washing is satisfied that it**

7.3 Istinja'

1. **Istinja' is sunnah.**
2. **Stones, and that which take their place, suffice; one wipes [the area] until it is clean.**
3. **There is no [emphasized] sunnah number [for the stones].**
4. **Washing it with water is better.**
5. **If the filth exceeds its orifice, nothing but water may be used [remove it].**
6. **One should not perform istinja' with a bone, nor with dung, nor food, nor with the right hand.**

RITUAL PRAYER (*SALAH*)

- Jumu`ah
- The Two `Ids
- Eclipse Prayer
- Prayer for Rain
- The Vigil of Ramadan

- Funerals
  - Preparation of the Body
  - Shrouding
  - The Funeral Prayer
  - Burial
  - The Martyr

1.0 TIMES FOR SALAH

1.1 Times of Salah

1. The beginning of the time for the dawn (fajr) [prayer] is when the second dawn rises, and that is the lateral whiteness on the horizon. The end of its time is as long as the sun has not risen.
2. The beginning of the time for zuhr is when the sun declines. The end of its time according to Abu Hanifah is when the shadow of everything becomes twice its [length] in addition to the shadow at midday. Abu Yusuf and Muhammad said : when the shadow if everything becomes its [length] [instead of twice].
3. The beginning of the time for `asr is when the time for zuhr departs, according to both views. The end of its time is as long as the sun has not set.
4. The beginning of the time for maghrib is when the sun has set. The end of its time is as long as the twilight has not disappeared. [The twilight] is, according to Abu Hanifah, the whiteness on the horizon after the redness. Abu Yusuf and Muhammad said : it is the redness.
5. The beginning of the time for `isha' is when the twilight has disappeared. The end of its time is as long as the dawn has not yet risen.
   The beginning of the time for witr is after `isha'. The end of its time is as long as the dawn has not risen.

1.2 Preferred times

It is recommended :

1. To brighten fajr.
2. To cool zuhr in the summer, and to delay it in the winter.

3. To delay `asr as long as the sun has not changed [color].
4. To hasten maghrib.
5. To delay `isha' to [just] before one third of the night [has passed].

For one who is accustomed to pray during the night, it is recommended to delay witr to the end of the night. If one is not certain of waking up [at that time] one should perform witr before sleeping.

1.3 Disliked and Prohibited Times

1. Salah is not permissible at the rising of the sun, nor at its stationary point at midday, nor at its setting.
2. If the sun is setting, one does not perform a funeral prayer, nor make the sajdah of recitation, [nor perform any other prayer] except the `asr of that day.
3. It is disliked to perform voluntary prayers after fajr salah until the sun rises, and after `asr salah until the sun sets. There is no harm in praying missed prayers during these two times, [and similarly] performing prostrations of recitation, and praying over a funeral. One does not perform the two rak`ah of circumambulation (tawaf).
4. It is disliked to perform any optional prayers after dawn [and before fajr] other than the two [sunnah] rak`ah of fajr.
5. One should not perform optional prayer before maghrib.

2.0 ADHAN

2.1 Its form

1. Adhan is sunnah for the five prayers and jumu`ah, not any others.
2. The method of adhan is that one say, ***Allahu Akbar Allahu Akbar . . . .*** and there is no tarji` in it.
3. In the adhan of fajr, one adds, after ***Falah***, ***As-salatu khayrum-min an-nawm*** [twice].
4. Iqamah is like adhan, except that one adds after ***Falah***, ***Qad qamatis-salah*** twice.

2.2 Its sunnahs

1. One is leisurely in adhan, and hastens iqamah.
2. One faces the qiblah.
3. When one reaches ***Salah*** and ***Falah*** one turns one's face right and left.

4. One makes adhan and iqamah for missed prayers. If one misse more than one prayer, one makes adhan and iqamah for the fir and for the remainder has the choice:
    - if one wishes, one makes adhan and iqamah,
    - or, if one wishes, one suffices with the iqamah.
5. It is appropriate that one make adhan in [a state of] purity, but one makes adhan without purity, it is valid. It is disliked to ma iqamah without wuduʾ, or to make adhan while in janabah.
6. One does not make adhan for a prayer before its time has enter

3.0 THE CONSTITUENTS AND MANNER OF PERFORMING TI SALAH

3.1 The Pre-Requisites of Salah

It is obligatory upon the one who [wishes to] perform salah to prece [it] with:

1. Purity from hadath One who cannot find [anything] with which t remove filth prays with it and does not repeat the salah.
2. [Purity from] filth, in accordance with what we have mentioned previously. Also:
3. To cover his/her nakedness The nakedness of a man is that whi beneath the navel upto the knee, and the knee is [part] of the nakedness. The body of a free woman is all nakedness, except t her face and her hands [and her feet]. One who cannot obtain a garment prays naked, seated, gesturing for ruku` and sujud, bu he prays standing it suffices him, although the former is better.
4. To intend the salah into which one is entering, with an intention separated from the Forbidding [Takbir] with any action.
5. To face the qiblah, unless one is in fear, for then one prays in whatever direction one can. If the qiblah is obscure to him, and there is no-one in his presence whom he could ask, he exercise judgement and prays. Then, if he finds out that he was mistak by being informed after he had prayed, there is no repetition [d upon him. If he finds that out while he is [engaged] in the sala he turns to the qiblah and continues.
6. [Conviction that the time has entered].

3.2 The Rudiments of Salah

The essentials of salah are six:

1. The Forbidding [Takbir].
    - If one says, in place of the takbir, *Allahu ajall*, or *[Allahu] a`zam*, or *Ar-Rahman akbar*, it suffices him according to A Hanifah and Muhammad. Abu Yusuf said : It does not suff

him except with the wording of takbir.

2. Standing.
3. Recitation.
    - The minimum recitation which suffices in salah, according Abu Hanifah, is that which is covered by the word "Qur'an. Abu Yusuf and Muhammad said : No less than three short verses or one long verse is sufficient.
    - Recitation is obligatory in the first two rak`ah [of fard], bu one has the choice in the last two : if one wishes, he can recite, if he wishes he can make tasbih, and if he wishes h can remain silent. Recitation is oblgatory in every rak`ah nafl, and in all [rak`ahs] of witr.
4. Ruku`.
5. Sujud
    - If he restricted himself to one of the [nose and forehead] i permissible according to Abu Hanifah. Abu Yusuf and Muhammad said : it is not permissible to restrict oneself t nose without a [valid] excuse.
    - If he prostrated on the winding of his turban or the end of garment it is permissible [but disliked].
6. The Final Sitting, for the measure of the tashahhud.

3.3 The Obligations (Wajib) of Salah

1. Recitation of al-Fatihah in every rak`ah
2. Adding a surah (or three verses) in the first two rak`ahs of fard, and in every rak`ah of witr and nafl.
3. Standing up after ruku`.
4. Linking the nose with the forehead for sujud.
5. Tranquility in each position (ruku`, standing after it, sujud, sitting between the two sajdah).
6. The middle sitting.
7. Recitation of the tashahhud in the every sitting.
    - The tashahhud is that one say, *At-tahiyyatu lillahi was-salawatu wat-tayyibatu. as-salamu `alayka ayyuhan-nabi wa-rahmatullahi wa-barakatuh. as-salamu `alayna wa-`a `ibadillahis-salihin. ash-hadu an la ilaha illallahu wa-ash-h anna muhammadan `abduhu wa-rasuluh.*
8. Standing up for the third [rak`ah] without [any] delay after the tashahhud.
9. The words of salam.
10. Vocalizing the vocal rak`ahs [for the imam], and subduing the subdued ones [for all].
    - If one is imam, he vocalizes the recitation in fajr, and the two rak`ah of maghrib and `isha', and subdues that which after the first two.

- If one is solitary, he has the choice : if he wishes, he may recite aloud [where the imam would], making [his voice] audible to himself, or if he wills, he may subdue [his voice all the recitation].
- The imam subdues [the recitation] in [every rak`ah of ] zu and `asr.

11. The qunut of witr.
12. The takbirs of the Two `Ids.
13. Sequence [in case of inattentiveness].

Everything beyond this is sunnah.

3.4 The Description of Salah

When a man enters salah, he pronounces takbir, and

1. Raises his hands with the takbir until his thumbs are alongside l earlobes.
2. He rests his right hand on his left, and brings them together un his navel.
3. Then, he says Subhanakallahumma wa-bi-hamndika wa-tabarakasmuka wa-ta`ala jadduka wa-la ilaha ghayruk.
4. Then, he seeks refuge with Allah from Satan, the outcast, and
5. [then he] recites *Bismillahir-Rahmanir-Rahim*,
6. subduing both of them.
   Then, he recites the Opening [Chapter] of the Book, and a sura or three verses of any surah he wishes - along with it.
7. When the imam says *wa-lad-dallin*, he says *Amin*, and the follo also say it, [all of them] subduing it.
8. Then, he pronounces takbir, and bows.
9. [In ruku`] he rests his hands on his knees, spreads his fingers, extends his back and neither raises his head nor droops it.
10. He says in ruku`, *Subhana rabbiyal- `azim* thrice, and that is its minimum [of perfection]. [Note : saying *`azim* instead of *`azim* here breaks the prayer. Learn how to pronounce it correctly fro someone who knows it.]
11. Then, he raises his head from ruku` saying *Sami`Allahu li-man Hamidah*.
12. The followers [and imam] say *Rabbana lakal-Hamd*.
    Then, when he has straightened up [to the] standing [position], pronounces takbir, and performs sajdah, resting his hands on tl ground,
13. putting his face between his palms, and prostrating on his nose forehead. He reveals his upper arms, separates his belly from l thighs, and turns his toes towards the qiblah.
14. He says in his sujud *Subhana rabbiyal-a`la* thrice, and that is it minimum [of perfection].
    Then, he raises his head, pronouncing takbir, and then when he calm in sitting, he pronounces takbir and performs sajdah. The

when he is calm in sujud, he pronounces takbir.

15. [He] straightens up [to the] standing [position] on the fronts of feet. He does not sit, nor lean on the ground with his hands.
He does in the second rak`ah similar to what he did in the first rak`ah, except that he does not recite the Opening Invocation, the Seeking of Refuge.
He does not raise his hands except at the first takbir.
16. When he raises his head from the second sajdah in the second rak`ah, he spreads out his left leg and sits on it, and lays down right [leg] and directs its toes toward the qiblah. He places his hands on his thighs and stretches out his fingers and pronounce the tashahhud.
He does not add to this in the first sitting.
17. He recites the Opening [Chapter] of the Book, in particular, in t last two rak`ah [of fard].
When he sits at the end of the salah, he sits as he sat in the firs and, recites the tashahhud.
18. He invokes blessings on the Prophet (may Allah bless him and g him peace).
19. He recites whatever invocations he wills, such as resemble the words of the Qur'an and the transmitted invocations. He shoul recite invocations which resemble the speech of mankind [amor themselves].
20. Then, he makes salam to his right, saying, As-salamu `alaykum wa-rahmatullah, and to his left similarly.

3.5 Those Actions Disliked in Salah

1. It is disliked for the one praying to fidget with his clothes or wit body.
   - He should not turn about pebbles, unless [they are such tl it is not possible for him to perform sujud, then [in which he smooths them once.
   - He should not crack his knuckles.
2. He should not put his hands on his hips.
3. He should not hang his garment over himself [without wearing i properly].
4. He should not plait his hair.
5. He should gather his clothes.
6. He should not glance about.
7. He should not sit like a dog.
8. He should not return the greeting of salam with his tongue [for invalidates the prayer], and not [even] with his hand.
9. He should not sit cross-legged except if he has an excuse.

3.6 Disruptors and Nullifiers of the Salah

1. He should not eat or drink [nor commit any other significant, extraneous actions.]
2. If hadath overtakes him, he turns away, and if he was imam, h appoints a replacement. He [then] makes wudu' and resumes salah, but [for him] to re-start it superior.
   - If hadath overtakes him after the tashahhud, he makes w and makes salam.
   - If in this condition [i.e. after the tashahhud], he wilfully ef hadath or speaks, or performed an action which is inconsis with salah, his salah has been performed.
3. If he slept and had an erotic dream, or became insane, or lost consciousness, or laughed out loud, he re-starts the wudu' and salah.
4. If he spoke in his salah, intentionally or by mistake, his salah is nullified.
5. Exposure of the nakedness, or presence of filth greater than the excusable amount, for the duration of three tasbih, nullifies the salah.
6. If one who had performed tayammum saw water [while] in his salah, his salah is nullfied, and [similarly] if he saw it after he h sat the duration of the tashahhud [according to Abu Hanifah]. Similarly:
7. If he had wiped on his khuffs and the time-limit for his wiping expired, or
8. If he took off his khuffs with a gentle motion, or
9. If he had been illiterate and then learned a surah [while in pray or
10. If he had been naked, and then found a garment [while in pray or
11. If he had been gesturing, and then became capable or [perform ruku` and sujud. or
12. He remembered that there is a salah [due] upon him before thi salah, or
13. If a literate imam experienced hadath and substituted an illiter [man], or
14. If the sun rose in salat al-fajr, or the time of `asr entered in [sa al-]jumu`ah, or
15. If he had wiped on a splint, and it fell off due to healing, or
16. If he had been an excused person, and then his excuse ceased.

[If any of these (7-16) occurred after the tashahhud] his salah is invalidated according to the view of Abu Hanifah. Abu Yusuf and Muhammad said : his salah has been performed.

The Things Which Necessitate or Permit Breaking the Prayer. It is

obligatory to break the salah

1. to save life
2. to prevent injury to others.

It is permissible to break it : upon the threat of theft or harm of his own or someone else's property.

3.7 Prostration of Inattentiveness

1. The prostration of inattentiveness is wajib, for excess or deficiency, [and it is preferably] after salam. Then, he performs two sajdah, then he [sits,] performs tashahhud and [then] performs salam.
2. [The Prostration of] Inattentiveness is due if one added to the salah an action which is of its manner but not part of it, or by abandoning a [wajib] action [whose obligation is established by the] sunnah, such as in abandoning the recitation of the Opening of the Book, or the qunut, or the tashahhud, or the takbirs of the Two `Ids, or the imam's raising his voice in that which should be subdued, or subduing it in that which should be audible.
3. The inattentiveness of the imam makes the sujud obligatory on the follower, but if the imam does not make the sajud, the follower does not make the sujud [either]. If the follower commits [an act of] inattentiveness, the sujud [of inattentiveness] is not due on the imam nor on the follower.
4. Someone who inattentively omitted the first sitting, and then remembered while he was [still] closer to the sitting position, should sit down and recite the tashahhud. But, if he was closer to the standing position, he should not go back, but should prostrate for inattentiveness [at the end].
5. Someone who inattentively missed the last sitting and thus stood up for a fifth [rak`ah] should return to the sitting as long as he has not performed sajdah [for the fifth]. He cancels the fifth [rak`ah] and performs the prostrations of inattentiveness. If he bound the fifth [rak`ah] with a prostration, his fard is invalidated, and his salah turns into nafl, and he must add a sixth rak`ah to it.
6. If he sat in the fourth [rak`ah] for the measure of the tashahhud, and then stood up without performing salam, thinking it to the the first sitting, he goes back to sitting as long as he has not prostrated for the fifth [rak`ah], and [then] he performs salam.
   If he bound the fifth with a sajdah, he adds another rak`ah to it, and his salah has been performed. The two [extra] rak`ah are nafl for him. He should perform the Prostrations of Inattentiveness.
7. Someone who is assailed by doubt in his salah, such that he

does not know whether he prayed three or four [rak`ah], then:

- If this is the first time it has happened to him, he re-starts salah.
- If doubts assail him often, he builds upon his strong inclin if he has an inclination.   If he does not have an idea, he builds upon certainty.

3.8 Prostration of Recitation

1. The Prostrations of Recitation in the Qur᾿an are fourteen: at the end of al-A`raf  [7:206], in al-Ra`d [13:15], al-Nahl [16 Bani Isra᾿il [17:109], Maryam [19:58], the first [prostration] in Hajj [22:18], al-Furqan [25:60] , al-Naml [27:26], Alif-Lam-Mi Tanzeel [32:15], Saad [38:24], Ha-Mim-Sajdah [41:38], al-Naj [53:62], Idhas-Sama-unshaqqat [84:21] and Iqra-bismi-Rabbik [96:19].
2. Prostration is wajib in all these places, upon the reciter and the hearer - whether he intended to listen to the Qur᾿an or not.
3. Whoever desires to prostrate [for recitation] should pronounce takbir without raising his hands, and prostrate, and then prono takbir and raise his head. There is no tashahhud due upon him salam.
4. [Prostration while in salah]
   - If the imam recites a verse of prostration, he prostrates [f it, and the follower prostrates with him.
   - If the follower recites [it], neither the imam nor the follow prostrates [for it].
   - If while they were in salah, they heard a verse of prostrati from a man who was not in salah with them, they should r prostrate it in the salah, but they should prostrate it after salah. If they did prostrate it in the salah, it does not suffi them, but it does not nullify their salah.

   5. [Repetition of recitation]
   - Someone who recited a verse of prostration, but did not prostrate [for] it by the time he entered salah, and then recited it [in salah] and prostrated it, the prostration suffic him for both of the recitations.
   - If he recited it outside of salah, and then prostrated it, and then entered the salah, and then recited it [again] he shou prostrate, and the first prostration does not suffice him [in case].
   - Someone who repeats the recitation of a single sajdah [se times] in one sitting, a single sajdah suffices him.

4.0 GROUP PRAYER

4.1 Its status

1. **Jama`ah is an emphasized sunnah.**
2. **It is disliked for women to attend jama`at, but there is no harm in old women going out for fajr, maghrib and `isha.**

4.2 Regulations for the follower

1. **Whoever desires to enter into the salah of another [as his follower] needs two intentions : the intention of salah and the intention of following.**
2. **The follower does not recite behind the imam.**
3. **Whoever followed an imam, and then came to know that [the imam] was not in [the state of] wuduʾ, repeats the prayer.**

4.3 Imamate

1. **The most worthy of people of imamate is the most knowledgeable of the sunnah; if they are equal [in that] then the best reciter of the Qurʾan; then if they are equal [in that] then the most precautious of them; then if they are equal [in that] then the eldest.**
2. **It is disliked to send ahead [as imam] : a slave, a transgressor, a blind man and an illegitimate child, but if they took the lead, it is valid.**
3. **It is appropriate that the imam not prolong the salah for [the followers].**

It is permissible :

that one with tayammum lead people with wuduʾ,

that one who wiped on khuffs [lead] people who washed [their feet].

A standing person may pray behind one sitting.

4.4 Impermissible Imamate

1. **It is not permissible for men to follow a women or a [non-adult] boy.**
2. **A clean person should not pray behind one with a constant drip of urine, nor [should] a clean woman [pray] behind one with istihadah, nor**
3. **A reciter behind an unread, nor**
4. **A clothed person behind a naked.**
5. **One who performs ruku` and sujud should not pray behind one**

who is gesturing.

6. One who is performing fard should not pray behind one who is performing nafl, nor behind one who is performing another fard.
7. One performing nafl may pray behind one performing fard.

4.5 Arrangement of Rows

1. Someone who prays with one [follower] makes him stand on his right. If they are two [or more] then he steps ahead of them.
2. The men line up, and then [behind them] the boys, and then the women [at the back].
3. If a woman stands beside a man, the two of them taking part in one [and the same] salah, his salah is spoiled.
4. It is disliked for women to pray in jama`ah on their own, but if they do then the imam stands in their midst.

4.6 Prayer in and around the Ka`bah

1. Salah is permissible - [whether it be] obligatory or optional.
2. If the imam prays with a group, and some of them put their backs to the imam's back, it is permissible, but whoever puts his back to the imam's face, his salah is not valid.
3. When the imam prays in the Sacred Mosque, the people form circles around the ka`bah, and pray the prayer of the imam. Whoever among them is closer to the ka`bah than the imam, his salah is valid if he is not on the side of the imam.
4. The salah is valid for one who prays on the top of the ka`bah.

5.0 OTHER NON-OCCASIONAL PRAYERS

5.1 Witr

1. Witr is three rak`ah, which one does not separate with salam.
2. One makes [du`a] qunoot in the third [rak`ah] before ruku`, throughout the year.
3. One recites the Opening of the Book, and a Surah along with it, in every rak`ah of witr.
4. When one desires to perform qunoot, he pronounces takbir, raises his hands, and then recites qunut.
5. One does not recite qunut in any salah other than [it, except on occasions of calamity].

5.2 Missed Prayers

1. **Whoever misses a prayer makes it up when he remembers it, and necessarily performs it before the prayer of the time, unless he fears missing the [time of] the current prayer, in which case he first performs the prayer of the time, and then makes up [the missed prayer].**
2. **If he missed many prayers, he makes them up in sequence, as they were originally due, unless the missed prayers [are equal to or] exceed six prayers, in which case the sequence is waived in them.**

5.3 Voluntary Prayers

1. **The sunnah salah is that one pray :**

   two rak`ah after the rise of dawn,
   four [rak`ah] before zuhr, and two after it
   four before `asr, or if one wishes two,
   two rak`ah after maghrib,
   ***four [rak`ah] before `isha', and four after it*, or if he wishes two.**

2. **In the supererogatory (nafl) of the day : if one wishes, he can pray two rak`ah with a single taslim, or if he wishes four. It is disliked to exceed that.**
3. **As for the supererogatory [prayers] of the night : Abu Hanifah said : if one prays eight rak`ah with a single taslim, it is valid, and it is disliked to exceed that. Abu Yusuf and Muhammad said : By night one should not exceed two rak`ah with a single taslim.**
4. **Whoever enters into nafl salah, and then invalidates it, makes it up. If one prayed four rak`ah, and sat after the first two, and then invalidated the last two, he makes up two rak`ah.**
5. **One may perform nafl sitting [even] with capability to stand. If one began it standing, and then sat down, it is valid according to Abu Hanifah. Abu Yusuf and Muhammad said : it is not permissible except for an excuse.**
6. **It is permissible for who is outside settled area to perform nafl, by gesturing, [while riding] on his beast, in whatever direction it faces.**

6.0 PRAYER UNDER SPECIAL CIRCUMSTANCES

6.1 Prayer of the Sick Person

1. **When it is impossible for a sick person to stand, he prays**

sitting, performing ruku` and sujud. if he is unable to perform ruku` and sujud, he makes gestures with his head, and makes the sujud lower than the ruku`. He should not raise anything to his face to perform sujud on it.

2. **If he is unable to sit, he lies down on his back, puts his legs towards the qiblah, and gestures for ruku` and sujud. If he lay down on his side, with his face toward the qiblah, and gestured, it is valid.**
3. **If he is unable to gesture with his head, he delays the salah; he does not [have to] indicate with his eyes, nor with his heart, nor with his eyelids.**
4. **If he is capable of standing, but is not capable of ruku` and sujud, he is not required to stand [for the gesturing of ruku`]. It is permissible for him to pray [standing only for recitation, and then] sitting [while] making gestures.**
5. **If a healthy person prayed part of his salah standing, and then some illness ensued [rendering him incapable of standing], he completes it sitting, performing ruku` and sujud, or gesturing if he is not able to [perform] ruku` and sujud, or lying down if he is not able to sit.**
6. **Someone who, on account of illness, prayed sitting, performing ruku` and sujud, and then became healthy, continues his salah standing. But, if he prayed part of his salah with gestures, and then became capable of ruku` and sujud, he re-starts the salah.**
7. **Someone who loses consciousness for five prayers or less makes them up when he recovers, but if he misses more than that due to unconsciousness, he does not make [them] up.**

6.2 Prayer of the Traveller

Qualification for the concession

1. **The journey whereby regulations become altered is that a man intend [to reach] a place [which is such that] there is between him and it [a distance of] three days' or nights' journey, according to the progress of a camel or [that] by foot. That is not considered [in the same way] for travel by sea.**
2. **The disobedient and the obedient on a journey are equal in the dispensation.**

Number of Rak`at

1. **The fard of the traveller, according to us, is two rak`ah in every four-rak`ah prayer, it not being permissible for him to add [two more] to them. But, if he prayed four [rak`ah], and had sat in the second for the measure of the tashahhud, [the first] two rak`ah suffice him for his fard, and the last two are nafl for him. However, if he did not sit for the measure of the**

tashahhud in the first two rak`ah, his salah is invalidated.

2. One who sets out as a traveller prays two rak`ah [instead of four] when he leaves behind the houses of the settled area.
3. When a traveller enters into [group] prayer of a resident, while the time [of the salah] remains, he prays the salah in full. But, if he enters with [the resident] in a missed prayer, his salah is not valid behind him.
4. When a traveller leads residents in two rak`ah, he performs taslim, and then the residents complete their salah. It is recommended for him, when he performs taslim, to say, 'Complete your salah, for we are journeying people.'
5. Whoever misses a prayer on a journey, makes it up as two rak`ah [even if he makes it up] in residence. Whoever missed a prayer in residence makes it up as four rak`ah [even if he makes it up] on a journey.

Breaking the Journey

1. He continues to apply the regulations of travel until he intends to remain in a city fifteen days or more, at which point he is required to pray in full. If he intends to remain less than that, he does not pray in full.
2. Someone who enters a city, and does not intend to remain there fifteen days, but rather says [each day], 'Tomorrow I will depart, or the day after I will depart,' until he remains in this way for years [remains a traveller, and thus] prays two rak`ah.
3. When an army enters the land of war, and then intend to remain there fifteen days, they do not pray the salah in full.
4. When the traveller enters his home-town, he prays the salah in full, even if he did not intend to remain there.
5. Whoever has a home-land, and then moves from it and takes up residence in another land, and then travels and enters his first home-land, does not pray the salah in full.
6. If the traveller intends to remain in Makkah and Mina fifteen days, he does not pray the salah in full.

6.3 Fear Prayer

1. When fear is severe, the imam divides the people into two groups : one group [who remain] facig the enemy, and one group [who stand] behind him. Then, he prays with this [latter] group one rak`ah with two sajdah. Then, when he raises his head from the second sajdah, this group goes back to face the enemy, and the [other] group comes [to take their place]. The imam leads them in one rak`ah with two sajdah, and then performs tashahud and taslim. [The followers] do not perform taslim, but [rather] go to face the enemy. The

first group [now] comes [back], and pray one rak`ah on their o
with two sajdah, without recitation, and then perform tashahhu
and taslim, and then go back to face the enemy. The other gro
[now] comes [back] and pray one rak`ah with two sajdah, with
recitation, and [then] perform tashahhud and taslim.

2. If the imam is a resident, he prays two rak`ah with the first gro and two rak`ah with the second.
3. In maghrib, he prays two rak`ah with the first group and one rak`ah with the second.
4. They do not fight while in the state of salah, and if they do that their salah is invalidated. If the fear is intense, they pray while riding, individually, gesturing for ruku` and sujud : in whateve direction they wish if they are not capable of facing the qiblah.

7.0 SPECIAL OCCASIONAL PRAYERS

7.1 Jumu`ah Prayer

Conditions for Validity

1. Jumu`ah is not valid except in a large town, or in the prayer-gr of the large town. It is not permissible in villages.
2. It is not permissible to establish it except with the ruler, or one whom the ruler has ordered [to establish it].
3. Among its conditions is the time. It is valid in the time of zuhr, it is not valid after it.
4. Among its conditions is the khutbah before the salah.
   If he restricted himself to remembrance of Allah, it is valid according to Abu Hanifah. Abu Yusuf and Muhammad said : it i essential to have a long reminder which could be called a khutb
5. Among its conditions is a group (jama`ah).
   Their minimum according to Abu Hanifah is three apart from th imam. Abu Yusuf and Muhammad said : two apart from the im

Obligation of Jumu`ah

1. Jumu`ah is not obligatory on a traveller, nor a woman, nor an invalid, nor a slave, nor a blind person. But, if they attend and with the people, it suffices them for the fard of the time.
   - It is permissible for travellers, slaves, invalids and the like lead in jumu`ah.
   - It is disliked for excused people to pray zuhr in jama`ah o the day of jumu`ah, and similarly the people of a prison.
2. The salah of one who prayed zuhr at home on the day of Jumu` before the imam's salah, without an excuse, is valid, but that is [prohibited] for him. If it occurs to him to attend jumu`ah, suc

that he set out towards it, the zuhr salah ir invalidated by his setting forth - according to Abu Hanifah. Abu Yusuf and Muham said : it is not invalidated until he enters [into salah] with the imam.

3. When the mu'adh-dhin calls the first adhan on the day of jumu people stop buying and selling, and set out for salat al-jumu`ah

Regulations of the Salah

1. The imam recites audibly in the two rak`ahs.
2. There is no specific surah to recited in them.
3. Whoever joined the imam on the day of jumu`ah prays with him whatever he caught, and builds jumu`ah on that basis. If he jo him in the tashahhud, or in the Prostrations of Inattentiveness, performs jumu`ah accordingly - according to Abu Hanifah and A Yusuf. Muhammad said : if he caught with him most of the sec rak`ah, he performs jumu`ah accordingly, but if he caught less than that, he completes it as zuhr.

Sunnah Aspects of the Khutbah

1. When the imam comes emerges on the minbar on the Day of Jumu`ah, people stop performing salah, and [stop] talking until has finished his khutbah.
2. When the imam ascends the minbar, he sits down, and the mu' dhin calls [the second] adhan in front of the minbar.
3. The imam delivers two khutbahs, separating them with a sitting
4. He delivers the khutbah standing, in a state of purity.
5. If he delivered the hutbah sitting, or not in a state of purity, it i valid, but disliked.
6. When he has finished from the khutbah, the call the iqamah for salah, and [then] pray.

7.2 Prayers of the Two `Ids

`Id al-Fitr

1. It is recommended on the Day of Fast-Breaking (Fitr) for the person, before leaving for the prayer-ground:
   - To eat,
   - To perform ghusl,
   - To apply perfume.
2. One sets out for the prayer-ground. According to Abu Hanifah, does not pronounce takbir [audibly] on the way to the prayer-ground. According to the two : one pronounces takbir [audibly]

`Id al-Adha

1. It is recommended on the Day of Sacrifice (Adha) :
   - to perform ghusl,
   - to apply perfume,
   - to delay eating until having finished from the salah.
2. One sets out for the prayer-ground, pronouncing takbir [audibly

Salat al-`Id

1. One does not perform nafl salah in the prayer-ground before sa al-`id.
2. When the salah becomes permissible, by the sun ascending [a spear's height after sunrise], the time for [salat al-`id] has ent [and it remains] until midday.
   - If the new crescent was obscured from people, such that t testified before the imam about seeing the crescent after midday, [the imam] performs `id [salah] the next day. Th if some excuse occurs, preventing the people from salah o the second day, he does not perform it after that.
   - If an excuse occurred preventing the people from [perform the salah on the Day of Sacrifice, he performs the salah th next day, or the day after. He does not perform it after th
3. The imam leads the people in two rak`ah.
   - In the first [rak`ah] he pronounces the opening takbir, an three [takbirs] after it. Then, he recites the Opening of th Book and a surah with it. Then, he pronounces a takbir, g into ruku` with it.
   - Then, he starts the second rak`ah with recitation. When h has finished from the recitation, he pronounces three takb He pronounces a fourth takbir, going into ruku` with it.
   - One raises one's hands in the takbirs of the two `ids.
4. Then, he delivers two khutbah after the salah teaching people a Sadaqat al-Fitr and its regulations [on `Id al-Fitr].
   [On `Id al-Adha] he delivers two khutbah after [the salah] teac people therein about the Sacrifice and the Takbirs of Tashriq.
5. Whoever misses salat al-`id with the imam does not make it up

The Takbirs of Tashriq

1. The first of the takbirs of tashriq is after salat al-fajr on the Day `Arafah. According to Abu Hanifah, the last of it is after salat a `asr on the [first] Day of Sacrifice. Abu Yusuf and Muhammad said : [it lasts] until salat al-`asr of the last of the Days of Tash
2. The takbir is after the fard prayers, and it is that one say : *Allah Akbar Allahu Akbar, La ilaha illallahu Wallahu akbar, Allahu Akb wa-Lillahil-Hamd*.

7.3 Eclipse Prayer

1. When the sun is eclipsed, the imam performs with the people two rak`ah, in the manner of nafl, with one ruku` in each rak`ah.
2. He prolongs the recitation in both [rak`ah]. He recites inaudibly according to Abu Hanifah. Abu Yusuf and Muhammad said : he recites audibly.
3. Then, he supplicates after that, until the sun appears again.
4. The imam who leads the people in jumu`ah leads them [in the solar-eclipse] prayer. If he did not assemble [the people to pray], the people pray it individually.
5. There is no khutbah in the solar-eclipse.
6. There is no group [prayer] for the lunar eclipse. Each individual merely prays on his own.

7.4 Prayer for Rain

1. Abu Hanifah (may Allah's mercy be upon him) said : there is no [emphasized] sunnah salah in a group to pray for rain [although it is recommended], but if people pray singly, it is permissible. [The emphasized aspect of] praying for rain is merely supplication and seeking forgiveness.
   Abu Yusuf and Muhammad said : [it is sunnah that] the imam lead the people in two rak`ah, making the recitation audible in them. Then, he delivers a khutbah [or two].
2. He faces the qiblah in supplication. The imam switches his cloak around [when starting the supplication], but the people do not switch their cloaks around.
3. The People of the Covenant [of Jizyah] do not attend the Prayer for Rain.

7.5 The Vigil of Ramadan (Tarawih)

1. It is recommended that the people gather in the month of Ramadan after `isha', so that their imam can lead them in five tarwihah, with two taslim in each tarwihah.
2. He sits between every two tarwihah the duration of a tarwihah.
3. Then he leads them in witr.

Witr should not be performed with a group in other than the month of Ramadan.

8.0 FUNERALS

8.1 Preparation of the Body

1. **When [death] approaches a man, he is turned towards the qiblah on his right side, and the Two Testifications are suggested to him.**
2. **Then, when he dies, they tie his jaws [shut] and close his eyes.**
3. **When they want to wash him, they put him on a dais, place a cloth over his nakedness and remove his clothes. They perform wudu' for him, but do not rinse his mouth, nor his nostrils [unless he was in janabah]. Then, they pour water over him. The dais is perfumed thrice with incense. The water is boiled with lote-leaves, or with saltwort, but if there is none then pure water [is used]. His head and beard are washed with marsh mallow. Then, he is made to lie on his left side, and is then washed with water and lote until it is seen that the water has reached to that [part] of [the body] adjacent to the dais. Then, he is made to lie on his right side, and then washed with water and lote until it is seen that the water has reached to that [part] of [the body] adjacent to the dais. Then [the washer] makes him sit up, and to lean against him, and he wipes his stomach with a gentle stroke. Then, if anything emerges from him, he washes [that area], but does not repeat his ghusl.**
4. **Then, he wipes him with a cloth and puts him in his shrouding garments. He puts hunut on his head and his beard, and camphor on the places of prostration.**
5. **Any [fetus] that produces a sound after birth is prayed over. If it did not produce a sound, it is wrapped in a cloth, and it is not prayed over.**

8.2 Shrouding

1. **The sunnah is that a man be shrouded in three shrouds : a waist-wrapper (*izar*), an upper garment (*qamis*) and a wrapper (*lifafah*), but if they restrict [it] to two shrouds, it is permissible. When they desire to wrap the wrapper around him, they begin with the left side, putting [the shroud] over it, then the right side. If they fear the shroud may unfold from him, they tie it.**
2. **A woman is shrouded in five garments : a waist-wrapper, an upper-garment, a scarf, a piece of cloth with which her breasts are tied, and a wrapper. If they restrict [it] to three shrouds, it is permissible. The scarf should be on top of the upper-garment under the wrapper. Her hair is placed on her chest.**
3. **The deceased's hair is not combed, nor his beard, nor are his nails cut, nor is his hair braided.**
4. **The shrouds are perfumed with incense an odd number of times before he is inserted into them.**
5. **When they are done with this, they pray over him.**

8.3 The Funeral Prayer

1. **The most worthy of people to pray over him is the ruler if he is present. But, if he is not present then it is recommended to sen ahead the imam of his locality, then the waliyy. If [someone] o than the waliyy or the ruler prayed over him, the waliyy repeats [the prayer], but if the waliyy prayed then it is not permissible f anyone to pray after him.**
2. **The prayer should not be performed over the deceased in a gro prayer] mosque.**
3. **The prayer is :**
   - **that one pronounce a takbir, extolling Allah, the Exalted, a it,**
   - **then, one pronounces a takbir, and [then] sends salutatio the Prophet (may Allah bless him and grant him peace),**
   - **then one pronounces a takbir, supplicating therein for him for the deceased and for the Muslims.**
   - **then one pronounces a fourth takbir and pronounces taslin**
4. **If he was buried without the prayer being performed over him, performed over his grave.**

8.4 Burial

1. **Then, when they carry him on his dais, they hold its four 'legs', walk with it swiftly [but] without racing.**
2. **Then, when they reach his grave, it is disliked for people to sit before it is let down from the men's shoulders.**
3. **The grave is dug and an incision is made in the qiblah-side wall**
4. **The deceased should be entered from [the side] adjacent to the qiblah. When he is placed in the incision, the one placing him s *Bismillah wa-`ala millati Rasulillah*, and faces him to the qiblah. unties the knot, and arranges unbaked bricks in [the incision]. disliked to use baked bricks and wood. There is no harm in [us straw [in addition].**
5. **Then, the soil is piled on. The grave is raised like a camel's hu and not flattened.**

8.5 The Martyr

1. **The martyr (shahid) is someone whom the pagans killed, or wh was found in the battle-field with the mark of wounding on him, who was killed wrongfully by the Muslims and for whose death blood-money did not become due [initially].**
   - **One who is killed in a prescribed punishment, or retaliator execution, is washed and prayed over.**
   - **Those rebels and highway robbers who are killed are not prayed over.**

2. [The martyr] is shrouded and prayed over, but he is not washe one in janabah was martyred, [then] according to Abu Hanifah washed. Similar [is the case with] the child. Abu Yusuf and Muhammad said : they are not washed. The martyr's blood is washed off him, nor are his clothes removed, but furs, khuffs, padded garments and weapons are removed from him.
3. One who lingered [in dying] is washed. Lingering is :
   - that he eat, or drink,
   - or receive medical treatment,
   - or remain alive until the time of one salah passes over hi while he is conscious,
   - or that he be transported from the battle-field alive.

Purifying Charity (Zakah)

PURIFYING CHARITY (*ZAKAH*)

(According to the Qur'an and Sunnah, as extracted and inferred by scholars of the Hanafi school.)
From "*Mukhtasar al-Quduri*", a matn of Hanafi fiqh

1.0 OBLIGATION

1. **Zakat is obligatory on**
   - **the free, adult sane Muslim,**
   - **when he possesses the nisab with complete possession, ar**
   - **a [lunar] year has passed over it.**

   There is no zakat [obligatory] upon a child, nor an insane perso nor a mukatib.

   There is no zakat [obligatory] upon anyone who has a [due] del encompassing his money. But, if his money is more than the d he pays zakat on the excess if it reaches nisab.

   If one advance-pays the zakat before the year [has passed over and he possesses nisab, it is valid.

   If wealth is destroyed after the obligation of zakat [has become due], it is waived.

2. **[Zakat due (in various proportions) on : gold silver cash trade-goods freely-grazing livestock kept for milk, breeding or fatteni camels, cows, sheep and goats. produce (excluding firewood, re**

and grass). buried treasures and metals.]

There is no zakat [obligatory] on:

- residential homes,
- body clothes,
- household furniture,
- riding-beasts,
- slaves in service,
- weapons of use.

3. It is not valid to offer zakat without an intention coinciding with payment, or coinciding with the setting-aside of the obligatory portion.

   One who gave all of his wealth in charity, without intending zak its obligation is waived from him.

2.0 ZAKAT ON SILVER

1. There is no charity [obligatory] on any [silver]less than 200 dirhams.
   [200 dirhams corresponds to19.69 troy oz and 612.36g.]
2. Then, if it is 200 dirhams, and a [lunar] years passes over it, 5 dirhams are are due for it.
3. There is nothing due on the excess until it reaches 40 dirhams, then 1 dirham is due for it.
   [Similarly] for every 40 dirhams, there is 1 dirham [due].
   Abu Yusuf and Muhammad said : Whatever exceeds 200 [dirhai its zakat is in proportion.
4. If the silver is dominant in silver coins, then their ruling is that (silver. But, if alloy is dominant then their ruling is that of trade goods, and its reaching nisab is taken into account.

3.0 ZAKAT ON GOLD

1. There is no zakat [obligatory] on any gold less than 20 mithqal.
   [20 mithqal corresponds to 2.81 troy oz and 87.48g.]
2. Then, if it is 20 mithqal, and a [lunar] year passes over it, then a mithqal is due for it.
3. Then, for every 4 mithqal, 2 qirat [are due].
   There is no charity [obligatory] on any [gold] less than 4 mithqa according to Abu Hanifah.
4. There is zakat due on raw gold and silver, [as well as on] jeweli and vessels [made] of them.

4.0 ZAKAT ON GOODS

1. **Zakat is obligatory on trade goods, whatever they may be, if their value reaches the nisab of gold or silver; one assesses it based on whichever of the two is more beneficial for the poor and destitute.**
2. **If the nisab is complete at teh two ends of the [lunar] year, then its dropping in between that does not waive the zakat.**
3. **The value of goods is added to gold and silver. Similarly, gold is added to silver in value in order to reach the nisab, according to Abu Hanifah. Abu Yusuf and Muhammad said : Gold is not added to silver by value, but it is added by parts.**

5.0 THOSE TO WHOM IT IS AND IS NOT ALLOWED TO GIVE ZAKAT

5.1 Those Who May Receive Zakat

Allah, the Exalted, says, (translated),

> **"Alms are only for the poor, the destitute, those who collect them, those whose hearts are to be reconciled, for [mukatib] slaves, debtors, and in the Path of Allah, and the wayfarer. An [ordained] obligation from Allah. And Allah is Knowing, Wise." [Qur'an, 9:60]**

These, then, are eight categories, out of which 'those whose hearts are to be reconciled' have dropped, because Allah has granted honor to Islam and has freed [it] of need of them.
The Poor **: is one who has the least of things.**
The Destitute **: is one who has nothing.**
The [Zakat-]Worker **: is paid by the imam in proportion to his work, if he worked.**
Slaves **: the mukatibun are assisted in freeing themselves.**
The Debtor **: is one on whom a debt is incumbent.**
In the Path of Allah **: are the stranded fighters.**
The Wayfarer **: is one who has money in his home-land, but is in a place in which he has nothing.**
These, then are the sections of zakat.
The possessor may pay [some] to each of them, or he may restrict himself to one category.

5.2 Causes Not Eligible for Receipt of Zakat

1. It is not permissible for one to give zakat to a dhimmi,
2. Nor may a mosque be built with it,
3. Nor may a dead person be shrouded with it,
4. Nor may a slave be bought with it to free,
5. Nor may it be payed to a rich person.

5.3 Relationships Making One Ineligible to Receive Zakat

1. Nor may the payer of zakat pay it to his father, nor his grandfather even if higher [up in ascendancy],
2. Nor to his child, nor his child's child, even if lower [down in descendancy],
3. Nor to his wife.
   A woman may not pay [her zakat] to her husband, according to Abu Hanifah. Abu Yusuf and Muhammad said : she may pay [it] to him.
4. One may not pay [one's zakat] to one's mukatib or slave, nor to the slave of a wealthy person, nor to the child of a wealthy person if he is a minor.
5. It may not be paid to Banu Hashim, and they are : the Household of `Ali, the Household of `Abbas, the Household of Ja`far, the Household of Harith ibn `Abd al-Muttalib; nor to their freed slaves.

5.4 Miscellaneous Regulations

1. Abu Hanifah and Muhammad said : If one pays zakat to a man whom one thinks to be poor, and then it transpires that he is rich, or Hashimi, or an unbeliever, or [if] one paid [it] in darkness to a poor person, and then it transpired that he was his father or his son, then repeating it is not [obligatory] upon him.
   Abu Yusuf said : Repetition is [obligatory] upon him.
   If one paid [it] to a person, and then he learned that he is his slave or mukatib, it is not valid according to the verdict of them all.
2. It is not permissible to pay zakat to anyone who possesses the nisab of whatever type of wealth it may be. It is permissible to pay it to anyone who possesses less than that, even if he is healthy and earning.
3. It is disliked to transfer zakat from one land to another; rather the alms of each people should be distributed amongst them, unless a person transfers it it to his relatives, or to a people who are more in need than the people of his land.

6.0 SADAQAT AL-FITR

6.1 Obligation

1. Sadaqat al-Fitr is wajib on the free Muslim, if he is in possession of the quantity of nisab in excess of his dwelling, clothing, furnishings, horse, weapons and service slaves.
2. He gives it out on behalf of himself, his minor children and his slaves.
   He does not pay [it] on behalf of his wife, nor his adult children, even if they are in his household.
   He does not give it out on behalf of his mukatib, nor his slaves [who were acquired] for trade.
   There is no fitrah due on either of the two [masters] of a slave [co-owned] between two partners.
   A Muslim master pays the fitrah on behalf of his unbelieving slave.
3. The obligation of the fitrah is attached to the rise of the dawn on the Day of [`Id al-] Fitr. So, whoever dies before that, his fitrah has not become wajib. Whoever accepts Islam, or is born, after the rise of the dawn, his fitrah has not become wajib.

6.2 Payment

1. The fitrah is :
   half a sa` of wheat, OR
   one sa` of [dried] dates or raisins or barley.
   The sa` according to Abu Hanifah and Muhammad is 8 Iraqi ratl.
   Abu Yusuf said : [it is] $5^1/_3$ ratl.
   [1 sa` is a volume of 2.03 litres, and corresponds to approximately 3,149.28g.
   1 sa` ~ 4 mudd; 1 mudd ~ 2 ratl; 1 ratl ~ 20 istar; 1 istar ~ 4½ mithqal {Radd al-Muhtar}]
2. It is recommended for people to give out the fitrah on the Day of Fitr before going out to the prayer place. If they advance-pay it before the Day of Fitr, it is valid. But, if they delayed it beyond the Day of Fitr, it is not waived, and it is [still an obligation] upon them to give it out.

Fasting (Siyam)

FASTING (*SIYAM*)

(According to the Qur'an and Sunnah, as extracted and inferred by scholars of the Hanafi school.)
From "*Mukhtasar al-Quduri*", a matn of Hanafi fiqh

1.0 THE OBLIGATION OF FASTING

1. The time for fasting is from the rising of the second dawn until the setting of the sun.
2. Fasting is : abstention from eating, drinking and sexual intercourse by day with the intention.
3. If in Ramadan a child reached adulthood, or an unbeliever accepted Islam, they abstain [from things which invalidate fasting] for the remainder of that day, and fast that which comes thereafter. They do not make up what passed.
4. If a traveller arrives [at his place of residence], or a [menstruating] woman attains purity with part of the day

[remaining], they abstain [from those things which invaliate fasting] for the rest of that day.

2.0 THE INTENTION

Fasting is of two sorts : obligatory and supererogatory (nafl).

1. **The obligatory is of two sorts : among it is that which is attached to a specific time, such as the fast of ramadan, and a specified vow. The fasting of [this category] is valid with an intention from the night, but if one did not intend until the morning, the intention suffices him between [dawn] and {the middle of the day}. The second sort is that which becomes obligatory to fulfil, such as the make-up [fasts] of Ramadan, unrestricted vows, and atonements. These are not valid without an intention from the night.**
2. **All of the nafl is valid with an intention before {the middle of the day}.**

3.0 SIGHTING THE CRESCENT

3.1 For Ramadan

1. **It is imperative for the people to seek the new crescent on the twenty-ninth day of Sha`ban. Then, if they see it, they fast [the following day], but if it is obscured from them, they complete the couting of Sha`ban as thirty days and then fast [after that].**
2. **Whoever sights the new crescent of Ramadan alone fasts, even if the imam does not accept his testimony.**
3. **If there is some obstruction in the sky, the imam accepts the testimony of one upright [Muslim] - be that male or female, free-man or slave - for the sighting of the crescent. But, if there is no obstruction in the sky, [one individual's] testimony is not accepted until a large multitude sight it, by whose report [certain] knowledge is attained.**

3.2 For `Id

1. **Someone who alone sights the crescent for ending the fast does not stop fasting.**
2. **When there is some obstruction in the sky, only the testimony of two men, or one man and two women, is accepted for [sighting of] the crescent for ending the fast. But, if there is no obstruction in the sky, only the testimony of a large**

multitude -- by whose report [certain] knowledge is attained -- is accepted.

4.0 ACTIONS OF THE FASTING PERSON

4.1 Things that do not break the fast

1. If the fasting one ate, or drank, or had sexual inercourse out of forgetfulness [that he was fasting], his fast is not broken.
2. If he slept and then had an erotice dream, or looked at a woman and ejaculated, or oiled [his head], or underwent blood-letting, or used antimony [in his eyes], or kissed, his fast is not broken.
3. If one is overcome by vomiting, his fast is not broken.
4. If he applied drops inside his urethra, his fast is not broken according to Abu Hanifah. Abu Yusuf said : his fast is broken.

4.2 Things that are Disliked for the Fasting Person

1. If someone tastes something with his mouth, his fast is not broken, but it is disliked for him to do that.
2. It is disliked for a woman to chew the food for her infant if she has some alternative.
3. Chewing gum does not break the person's fast, but it is disliked.

4.3 Things that Break the Fast and require Makeup

1. If he ejaculated on account of a kiss or touch, then make-up is due upon him.
   There is no harm in kissing if he feels himself safe, but it is disliked if he does not feel safe.
2. Makeup is due, but not expiation, for someone who had intercourse in other than the private parts and ejaculated.
3. If one deliberately made himself vomit a mouthful then makeup is due upon him.
4. The fast of someone who swallows pebbles or iron is broken.
5. Whoever had an anal enema, or applied nose-drops, or ear-drops, or treated a torn belly or a skull-fracture with medicine such that it reached his body cavity or his brain, his fast is broken.
6. If someone had suhur thinking the dawn had not [yet] risen, or broke his fast thinking the sun had set, and then it turned out that the dawn had risen, or that the sun had not set, makes up that day, but there is no expiation due on him.
7. Someone who lost consciousness in Ramadan does not make

up the day on which the loss of consciousness occurred, but he makes up that which came after it.

8. If an insane person regained sanity with part of Ramadan [remaining], he makes up what passed of it.
9. If a woman menstruates, she stops fasting and makes up [fasting for the days of menstruation].
10. Whoever enters into an optional fast, or an optional prayer, and then spoils it, makes it up.

4.4 Things that Break the Fast and require Makeup and Expiation

1. Expiation is due on someone who deliberately has sexual intercourse in one of the two passages, or eats or drinks something which provides nutrition, or is used for treatment
2. The expiation is like the expiation for zihar.
3. There is no expiation for spoiling a fast in other than Ramadan.

5.0 EXCUSES

5.1 Those who may Postpone Fasting

1. Someone who is sick in Ramadan, and fears that if he fasts his sickness will increase, breaks his fast and makes [it] up [later].
2. If one is a traveller who is not harmed by fasting, then for him to fast is preferable, but if he does not fast and makes it up [later] it is permissible.
3. The pregnant or nursing woman, if they fear for their children, do not fast and make it up, and there is no redemption due upon them.

5.2 Making up Missed Fasts

1. The makeup of Ramadan may be performed separately if one wishes, or consecutively if one wishes.
2. If one delayed it until another Ramadan entered, he fasts the second Ramadan, and makes up the first after it, and there is no redemption due upon him.
3. If the invalid or the traveller dies while they are in that condition, makeup is not incumbent upon them. But, if the invalid recovers, or the traveller takes up residence, and then they die, makeup is incumbent upon them for the extent of the health or residence.

5.3 Redemption (Fidyah)

1. The aged man who is not capable of fasting does not fast, and

for every day he feeds a poor person, just as one feeds in expiations.

2. Whoever died with makeup [fasts] of Ramadan due upon him, and bequeathed for it, his guardian, on his behalf, feeds for every day to one poor person : half a sa` of wheat, or one sa` of dates, or one sa` of barley.

6.0 SECLUSION (I`TIKAF)

1. Seclusion is praiseworthy. It comprises remaining in the mosque, with fast and the intention of seclusion.
2. It is prohibited for the secluded one :
   - to have sexual intercourse
   - to touch [with lust]
   -
3. If the secluded one had sexual intercourse, by night or day, his seclusion is invalidated.
4. He should not exit from the mosque except for a a human need, or [for] Jumu`ah [prayer].
5. There is no harm in his buying or selling in the mosque without bringing the goods there.
6. He should speak only well, but [intentional] silence is disliked for him.
7. Whoever obligated upon himself seclusion for [a number of] days is obliged to to seclude himself for them along with their nights, and [the days] are consecutive, even if he did not stipulate consecutiveness.

Pilgrimage (Hajj)

PILGRIMAGE (*HAJJ*)

(According to the Qur'an and Sunnah, as extracted and inferred by scholars of the Hanafi school.)
From "*Mukhtasar al-Quduri*", a matn of Hanafi fiqh
(with some rearrangement).
(Evidences are generally omitted for brevity)

1.0 OBLIGATION OF HAJJ

1. Hajj is obligatory on free, sane, healthy adults if
   - they are capable of [affording] provision and transportatio excess of one's dwelling, of that which is essential, and th maintenance of one's family until the time of his return, a
   - the way is safe, and
   - for a woman, her having a mahram or husband to perform with her, is considered. It is not permissible for her to per hajj without [these] two if there is between her and Makka distance of three days' and nights' journey.
2. If a youth attains maturity, or a slave is freed, after entering ih and they continue thus, it does not suffice them for the Hajj of Islam.

1.1 Fard Rites in Hajj

1. **Ihram, before any of the other rites.**
2. **Standing at `Arafah, for at least a moment, any time between the decline of the sun on the 9th of Dhu'l-Hijjah, and the dawn of the 10th.**
3. **Tawaf of Visiting, after the Standing at `Arafah, with intention.**
4. **Maintaining the order between the fard acts (ihram-Standing-Tawaf)**
5. **Keeping away from sexual intercourse before the Standing.**

1.2 Wajib Acts in Hajj

1. **Standing at Muzdalifah, for at least a moment after dawn on the 10th of Dhu'l-Hijjah.**
2. **Sa`y (Running between Safa and Marwah)**
3. **Pelting the Jamarat**
4. **Tawaf of Leaving, for other than menstruating women and the residents of Makkah.**
5. **Cutting or shaving the hair of the head within the Haram, within the Days of Immolation.**
6. **Not delaying ihram beyond the miqat.**
7. **Keeping away from transgressions of the ihram (sexual intercourse after the Standing, wearing sewn garments, covering the head and/or face).**
8. **Prolonging the Standing at `Arafah until after sunset and after the imam has begun issuing forth.**
9. **Delaying Maghrib and `Isha' until Muzdalifah**
10. **Not delaying the Tawaf of Visiting beyond the Days of Immolation.**
11. **Beginning tawaf from the Black Stone.**
12. **Performing tawaf counter-clockwise.**
13. **Performing tawaf around the hatim.**
14. **Walking in tawaf, for one who has no excuse.**
15. **Being in a state of purity during tawaf.**
16. **Covering the nakedness during tawaf.**
17. **Performing two rak`ah after tawaf.**
18. **Beginning Sa`y from Safa**
19. **Walking in Sa`y, for one who has no excuse.**
20. **Performing Sa`y after a valid Tawaf**
21. **Slaughtering a ewe, for one performing tamattu` or qiran.**
22. **Maintaining the order between pelting, slaughtering and cutting hair.**

2.0 THE IHRAM

2.1 The Mawaqit

1. The mawaqit which it is not permissible for a person to pass exc in the state of ihram are:
   - for the people of Madinah : Dhu'l-Hulayfah,
   - for the people of `Iraq : Dhatu-`Irq,
   - for the people of the Levant (al-Sham) : al-Juhfah,
   - for the people of Najd : Qarn al-Manazil,
   - for the people of Yemen : Yalamlam.
2. If one entered ihram before these mawaqit, it is valid.
3. The miqat of one whose dwelling-place is after the mawaqit, is Hill .
4. The miqat of one who is in Makkah is the Haram for hajj and al- for `umrah.
5. The Months of Hajj are : Shawwal, Dhu'-Qa`dah, and the [first] of Dhu'l-Hijjah. But, if one entered ihram for hajj before this, it valid, and it counts as hajj [except that he must wait until the t of hajj to perform the rites].

2.2 Entering Ihram

When one desires to enter ihram, he

1. performs ghusl or wudu', but ghusl is better
2. wears two new or washed cloths : an izar (waist-wrapper) and rida' (upper garment).
3. applies perfume if he has some
4. he prays two rak`ah
5. says, Allahumma inni uridu'l-hajja fa-yassirhu li wa-taqabbalhu minni.
6. pronounces talbiyah after his salah.
   - If he is performing hajj alone (ifrad), he intends hajj with talbiyah.
   - The talbiyah is that one say : Labbayk-allahumma labbayk Labbayk la sharika laka labbayk. Innal-hamda wan-ni`ma laka wal-mulk. la sharika lak.
   - It is not appropriate to leave out any of these words, but i added [something] after them it is permissible.

2.3 Forbidden Deeds during Ihram

When one has pronounced talbiyah, he has entered ihram, and so he should keep away from that which Allah has forbidden :

1. rafath (sexual intercourse, or sexual talk),
2. fusuq (sins) and
3. jidal (argument).

4. He should not kill game, nor point it out, nor direct to it.
5. He should not wear a shirt, nor pants, nor a turban, nor a cap, nor a gown.
   Nor [should he wear] khuffs unless he cannot find shoes, in which case he should cut them below the tarsus
6. He should not cover his head, nor his face.
7. He should not apply perfume.
   He should not wash his hair or beard with marsh amllow.
8. He should not shave his head, nor his body hair, nor cut [anything from] his beard, nor [cut] his nails.
9. He should not wear a garment died with wirs , saffron or safflower, unless it has been washed and does not exude fragrance.

2.4 Permissible Deeds during Ihram

There is no harm in :

1. performing ghusl
2. entering a bath-house
3. taking shade under a house, or a canopy
4. Tying a himyan (belt to carry money) around his waist.

2.5 Recommended during Ihram

One should recite talbiyah abundantly, after salah, and whenever one mounts an elevated place, or descends into a valley, or meets riders, and in the last part of the night.

3.0 COMPONENTS OF HAJJ (IFRAD)

3.1 The Tawaf of Arrival

When one enters Makkah, he begins [by going] to the Sacred Mosque, then when one sees the House, he pronounces takbir and tahlil.

1. Then, one starts at the Black Stone, faces it, pronounces takbir, raises his hands and touches it, and kisses it if one is able to [do so] without harming any Muslim.
2. Then, he starts [walking] to his right, by the door [of the Ka`bah],
3. having donned his rida’ in the style of idtiba’ .
4. One makes ones tawaf (circumambulation) around the Hatim.
5. One performs raml in the first three circuits, and walks calmly in the remaining [four].

6. One touches the Stone whenever one passes by it, if one is able, and one ends the tawaf with touching [it].
7. Then, one proceeds to the Maqam (Station of Prophet Abraham) and prays two rak`ah at it, or wherever he is easily able to in the Mosque.

This is the Tawaf of Arrival (tawaf al-qudum). It is sunnah, and is not obligatory.

- There is no Tawaf of Arrival due upon the people of Makkah.
- If the one in ihram did not enter Makkah, and [instead] set out for `Arafat [directly], and stood there according to what we [shall] mention, the Tawaf of Arrival is waived for him, and he is not liable to do anything for having omitted it.

3.2 The Sa`y

1. Then, one sets out to Safa. One climbs onto it, faces the qiblah, pronounces takbir and tahlil, invokes blessings on the Prophet (may Allah bless him and grant him peace), and supplicates Allah for his needs.
2. Then, one descends calmly in the direction of Marwah.
3. Then, when he reaches the inside of the valley, he runs between the two green posts.
4. [He proceeds] until he comes to Marwah, and then he climbs onto it and does as he did on Safa.

This is one round, and he performs seven [such] rounds, [such that] he begins at Safa and ends at Marwah.

Then, [if performing ifrad] one stays in Makkah in the state of ihram, performing tawaf whenever one desires.

3.3 Going out to Mina

1. Then, when it is one day before the Day of Tarwiyah , the imam delivers a sermon in which he teaches the people [the details] of going out to Mina, salah in `Arafat, the Standing, and the Ifadah.
2. Then, when one has prayed fajr on the Day of Tarwiyah in Makkah, one goes out to Mina and stays there until he prays Fajr on the Day of `Arafah.
3. Then, one sets out to `Arafat, and stays there.

3.4 Arafah

1. Then, when the sun declines on the Day of `Arafah, the imam leads people in Zuhr and `Asr, starting with a sermon in which he teaches people [the details of] the Standing at `Arafah and Muzdalifah, the Pelting of the Jimar, the Immolation and the

Tawaf of the Visit (Ziyarah).

2. **He leads the people in Zuhr and `Asr in the time of Zuhr, with o adhan and two iqamah.**
   - **Whoever prays in his camp alone prays each one [of the prayers] at its [own] time according to Abu Hanifah (may Allah, the Exalted, show mercy to him). Abu Yusuf and Muhammad said : The solitary one conjoins them.**
3. **Then, he sets out to the Standing Place, and stands close to the mountain, although all of `Arafah is a standing place except for valley of `Arafah.**
   - **Whoever catches the Standing at `Arafah between the dec of the sun on the Day of `Arafah, until sunrise on the Day Immolation, has caught the hajj.**
   - **Whoever traversed `Arafah while sleeping or unconscious, did not know it was `Arafah, that suffices him for the Standing.**
4. **It is appropriate for the imam to stand at `Arafah on his camel, to supplicate and teach people the rites.**
5. **It is recommended to perform ghusl before the Standing, and**
6. **[It is recommended] to exert oneself in supplication.**
7. **Then, when the sun sets, the imam, and the people with him, p forth at their leisure, [proceeding] until they come to Muzdalifal and alight there.**

3.5 Muzdalifah

1. **It is praiseworthy to descend close to the mountain called Quza on which is the Hearth.**
2. **The imam leads the people in Maghrib and `Isha' with an adhar and iqamah.**
   Whoever prays Maghrib on the way, it is not valid according to Hanifah and Muhammad.
3. **Then, when the sun rises, the imam leads the people in Fajr in dark [part of the time].**
4. **Then, he stands, and the people stand with him, and he supplic All of Muzdalifah is a standing place, except for the Valley of Muhassir.**
5. **Then, the imam, and the people [along] with him, pour forth be sunrise, [proceeding] until they come to Mina.**

3.6 Pelting Jamrat al-`Aqabah

1. **Then, one proceeds to Jamrat al-`Aqabah, and pelts it**
   - **from the inside of the valley,**
   - **with seven pebbles, like the stones of a slingshot**
   - **pronouncing takbir with every pebble.**
   - **One does not stand by it [thereafter].**
2. **One ceases talbiyah with the [throwing of] the first pebble.**

3. Then, he slaughters [an animal] is he likes [since he is performi ifrad].
4. Then, he shortens or shaves [his hair], but shaving is superior.
5. [After this] everything is permissible for him except women.

3.7 The Tawaf of Pouring Forth (Ifadah) or Visiting (Ziyarah)

1. Then, one comes to Makkah on that day, or the following day, o the following, and circumambulates the House [performing] the Tawaf al-Ziyarah, seven circuits.
2. If he had run between Safa and Marwah after the Tawaf of Arriv he does not perform raml in this tawaf, nor is he obliged to run again. But, if he had not performed Sa`y before, he performs r in this tawaf and Sa`y after it in, the manner we have mentione
3. [Now,] women are permissible for him.
4. This tawaf is the obligatory (fard) one in hajj.
5. It is disliked to postpone it beyond these days.
   - If one did postpone it beyond then, one [sacrificial] blood becomes incumbent upon him, according to Abu Hanifah.

3.8 Stoning the Jamarat

1. Then, one returns to Mina and stays there.
2. When the sun has declined on the second day of immolation, or pelts the three Jamarat,
   - starting with the one next to the [Khif] mosque [of Mina],
   - pelting it with seven pebbles,
   - pronouncing takbir with every pebble.
   - One stands and supplicates by it.
3. Then, one pelts the one next to it similarly, and stands by it.
4. Then, one pelts Jamrat al-`Aqabah, and does not stand by it [thereafter].
5. The next day, he pelts the three Jamarat after the decline of the sun similarly.
6. Then, if one wishes to hasten one's departure, one departs to Makkah. But, if one wishes to remain, one pelts the three Jama on the fourth day after the decline of the sun.
   - If, on this day, one performs the pelting before the decline the sun, after sunrise, it is valid according to Abu Hanifah.
7. It is disliked for a person to send his belongings ahead to Makka and to take up residence, until he has pelted.

3.9 The Tawaf of Farewell (Wida`)

1. Then, when one departs to Makkah, one alights at al-Muhassab
2. Then, one performs tawaf of the House, seven circuits, not performing raml in them.
3. This is the Tawaf of Leaving, and it is wajib, except for the resic

of Makkah.
4. Then, one returns to one's family.

3.10 Special regulations for women

The woman is, in all of [the above], the same as the man, except tha

1. She does not uncover her head
2. She uncovers her face.
3. She does not raise her voice in talbiyah.
4. She does not perform raml in tawaf.
5. She does not run between the two posts.
6. She does not shave her head, but she shortens [her hair].
7. If a woman menstruates at the time of ihram, she performs ghu and enters ihram. She does as the [male] hajji does, except th she does not perform tawaf of the House until she becomes pur
8. If she menstruates after the Standing and the Tawaf of Visiting, [can] depart from Makkah, and there is no [penalty] upon her [that case] for abandonment of the Tawaf of Leaving.

4.0 QIRAN

Qiran, according to us, is better than [both] tamattu` and ifrad.
The manner of qiran is [as follows]:

4.1 `Umrah Components

1. That one pronounce talbiyah for `umrah and hajj from the miqa saying after one's salah : Allahumma inni uridu'l-hajja wal-`um fa-yassirhuma li wa-taqabbalhuma minni.
2. Then, when one enters Makkah, one proceeds to perform tawaf the House, seven circuits, performing raml in the first three of them.
3. One performs Sa`y after that, between Safa and Marwah.
   These are the actions of `umrah.
   - If the one performing qiran did not enter Makkah [initially] and set out [instead] to `Arafat, then he has then abando his `umrah by [performing] the standing. The [Sacrificial] Blood of Qiran becomes futile for him, but a [sacrificial] bl is [incumbent] upon him for his abandonment of his `umra and it is [obligatory] upon him to make it up.

4.2 Hajj Components

1. Then, one performs tawaf after the Sa`y; the Tawaf of Arrival.
2. One runs between Safa and Marwah, as we explained in [the ca

of one performing] ifrad.

[The other components of hajj are the same as in in ifrad, exce[
for the Sacrificial Blood.]

4.3 The Sacrificial Blood of Qiran

1. **When one has pelted the Jamrah on the Day of Immolation, on[slaughters a goat/sheep, or a cow, or a camel, or a seventh of [camel. This is the [Sacrificial] Blood of Qiran.**
2. **If one does not have [anything] to slaughter, one fasts three da[in the hajj, the last of them being the Day of `Arafah.**
   - **If he has missed the fasting by [the time] the Day of Immolation arrives, nothing but the [sacrificial] blood suffi[him.**
   - **Then, one fasts seven days when he returns to his family, [if he fasts them in Makkah after he has completed the hajj[is valid.**

5.0 TAMATTU`

1. **Tamattu`, according to us, is better than ifrad.**
2. **There are two methods of tamattu` : tamattu` in which one se[a sacrificial animal, and tamattu` in which one does not send a sacrificial animal.**
3. **The residents of Makkah may not perform Tamattu`, nor Qiran; they specifically may only perform Ifrad.**
4. **Whoever entered ihram for `umrah before the Months of Hajj, [ performed less than four circuits for it, and then the Months of [ entered, such that he then completed it, and then entered ihra[ hajj, is in the status of tamattu`. But, if he performed four circ[or more of the tawaf for his `umrah beforte the Months of Hajj, then performed hajj that same year, he is not in the status of tamattu`.**

   The manner of tamattu` is [as follows] :

5.1 `Umrah Components

1. **That one start at the miqat, and enter ihram for `umrah.**
2. **One enters Makkah, and performs tawaf for [`umrah].**
   - **One ceases the talbiyah when one starts the tawaf.**
3. **One performs Sa`y, [and then] shaves or shortens [his hair].**
4. **He has now come out of the ihram of his `umrah.**
   - **He remains in Makkah, out of ihram.**

5.2 Hajj Components

1. **Then, when it is the Day or Tarwiyah, one enters ihram for hajj**

from the Mosque.
2. One does as the hajji of ifrad does.

5.3 The Sacrificial Blood of Tamattu`

1. The [Sacrificial] Blood of Tamattu` is [obligatory] upon him.
    - If he does not find [the means to sacrifice then] he fasts tl days in the hajj and seven when he returns.
2. 2. If the one performing tamattu` desires to send a sacrificial animal, he enters ihram and sends the sacrificial animal. If it is camel, he garlands it with a haversack, or leather.
    - He marks the camel, according to Abu Yusuf and Muhamm It is : that one rend its hump from the right side. Accordi Abu Hanifah, one does not rend it [if it will be in a cruel manner].
3. Then, when one enters Makkah, one performs tawaf and Sa`y, does not come out of ihram. [He remains in ihram] until he ent ihram for hajj on the Day of Tarwiyah, although if he entered ih before that it is valid but a [sacrificial] blood is [then obligatory upon him.
4. Then, when he shaves [his head] on the Day of Immolation, he thereby freed himself from both ihrams.
5. If the one performing tamattu` returned to his family after his completion of `umrah, and had not sent a sacrifical animal, his tamattu` is invalidated.

6.0 TRANSGRESSIONS IN PILGRIMAGE

6.1 Transgressions of the Ihram

1. If the one in ihram applied perfume, expiation is due upon him.
    - If he perfumed an entire limb or more then a [sacrificial] b is due upon him.
    - If he perfumed less than a limb then a charity is due upon him.
2. If he wore a sewn garment, or covered his head
    - [If it was] for a complete day, then a [sacrificial] blood is upon him.
    - If it was less then that, then a charity is due upon him.
3. [Shaving or cutting hair]
    - If he shaved one fourth or more of his head, then a [sacrif blood is due upon him.
    If he shaved less than one fourth then a charity is due upo him.
    If he shaved the areas of bloodletting then a [sacrificial] bl is due upon him according to Abu Hanifah. Abu Yusuf and Muhammad said : a charity is due upon him.

4. [Clipping the nails]
    - If he clipped the nails of both his hands and both his feet, a [sacrificial] blood is due upon him.
    - If he clipped [them from] one hand or one foot, then [still] [sacrificial] blood is due upon him.
    - If he clipped less than five nails, distributed between his h and his feet, then a charity is due upon him according to A Hanifah and Abu Yusuf. Muhammad said : a [sacrificial] b is due upon him.
5. If he applied perfume or shaved [hair] or wore [sewn] garment due to some excuse, then he has the choice :
    - If he wishes, he may slaughter a ewe, or
    - If he wishes, he may give three sa` of food in charity to si destitute people, or
    - If he wishes, he may fast three days.

Sexual Transgressions

1. If one kissed, or touched with lust, then a [sacrificial] blood is d upon him.
2. Whoever had intercourse in either of the two pasages before th Standing at `Arafah,
    - his hajj is nullified, and
    - [sacrifice of] a ewe is [due] upon him, and
    - he continues in the hajj in the same manner as one who h not nullified his hajj, and
    - a make-up [of the hajj] is [due] upon him.

      He is not required to part from his wife when he performs make-up hajj.
3. Whoever has intercourse after the Standing at `Arafah, his hajj not nullified, but [sacrifice of] a she-camel is [due] upon him.
4. If he had intercourse after shaving [the head on the Day of Immolation] then [sacrifice of] a ewe is [due] upon him.
5. Whoever has intercourse in `umrah before performing four circu of tawaf
    - has nullified it, and
    - continues in it, and
    - makes it up, and
    - [sacrifice of] a ewe is [due] upon him.

      If he had intercourse after performing four circuits of tawa
    - [sacrifice] of a ewe is [due] upon him, but
    - his `umrah is not nullified, and
    - he is not obliged to make it up.
6. One who had intercourse forgetfully is the same as one who has intercourse deliberately.

6.2 Transgressions in Tawaf

1. Whoever performed the Tawaf of Arrival with hadath, a charity [due] upon him.

- If he performed [this] tawaf with janabah then [sacrifice o ewe is [due] upon him.

2. Whoever performed the Tawaf of Visiting with hadath, [sacrifice a ewe is [due] upon him.
   - If he performed [this] tawaf with janabah then [sacrifice o she-camel is [due] upon him.
   - It is better for him to repeat the tawaf, as long as he is sti Makkah, and there is no slaughter [of a ewe due] upon hir that case].
3. Whoever perfomed the Tawaf of Leaving with hadath, a charity [due] upon him.
   - If he performed [this] tawaf with janabah, then [sacrifice ewe is due upon him.
4. Whoever omitted three circuits or less from the Tawaf of Visitin [sacrifice of] a ewe is [due] upon him.
   - If he omitted four circuits [or more] he remains in the stat ihram indefinitely, until he performs them.
5. Whoever omitted three circuits of the Tawaf of Leaving, a charit [due] upon him
   - If he omitted the Tawaf of Leaving, or four circuits [or mo of it, then [sacrifice of] a ewe is [due] upon him.
   - If he delayed the Tawaf of Visiting [beyond the Days of Immolation], [then a sacrificial blood is due upon him] according to Abu Hanifah (may Allah show mercy to him).

6.3 Other Miscellaneous Transgressions

1. Whoever omitted the Sa`y between Safa and Marwah, [sacrifice a ewe is [due] upon him, but his hajj is complete.
2. Whoever issued forth from `Arafah before the imam, a [sacrific blood is [due] upon him.
3. Whoever omitted the Standing at Muzdalifah, a [sacrificial] bloo [due] upon him.
4. Whoever omitted the Pelting of the Jamarat on all the days, a [sacrificial] blood is [due] upon him.
   - If he omitted the pelting of a single day, then a [sacrificial blood is [still due] upon him.
   - If he omitted the pelting of one of the three Jamarat, then charity is [due] upon him.
   - If he omitted the pelting of Jamrat al-`Aqabah on the Day Immolation, then a [sacrificial] blood is [due] upon him.
5. Whoever delayed the shaving [or cutting of the hair] until the D of Immolation had passed, then a [sacrificial] blood is [due] upo him according to Abu Hanifah.

6.4 Hunting Transgressions

Killing Game

1. If one in ihram kills game, or directed towards it someone who

killed it, then the recompense is [due] upon him.

- The deliberate and the forgetful, the initiator and the persi are equal in this.
- If two people in ihram collaborated in killing game, then th complete recompense is [due] upon each of them.

2. The recompense, according to Abu Hanifah and Abu Yusuf, is th he determine the price of the game in the place in which he kill or in the closest of places to it if it was in the wilderness.
    - The price is determined by two upright people.

    Then, one has the choice concerning the price :

    - If he wishes, he may buy a sacrificial animal with [the amo and slaughter it, if it reaches [the price of] a sacrificial ani or
    - If he wishes, he may buy food with it, and give it in charity [giving] to every destitute person half a sa` of wheat, or c sa` of dates or barley, or
    - If he wishes, he may fast one day in lieu of each half-sa` ( wheat and one day in lieu of every sa` of barley.

    Then, if there remains less than a half-sa` of the food, he has t choice:

    - If he wishes he may give it in charity, or
    - If he wishes, he may fast a full day in lieu of it.

3. Muhammad said : For game, an equivalent is obligatory for that which has an equivalent. So,
    - for the gazzelle, a ewe [is obligatory],
    - for the hyena, a ewe,
    - for the rabbit, a she-kid,
    - for the ostrich, a she-camel, and
    - for the jerboa, a four-month kid.
4. Whoever killed game whose meat may not be eaten, such as carnivorous animals and the like, the recompense is [due] upon him, but its price does not exceed a ewe.
5. If a carnivorous beast attacked one in ihram such that he killed then there is nothing [due] upon him.
6. If one in ihram was compelled to eat the flesh of game, such th he killed it, then the recompense is [due] upon him.
7. There is no harm if the one in ihram slaughters a ewe, cow, car chicken, duck or [tame] Kaskari duck.
8. If he killed a trousered-pigeon, or a tamed gazzelle, then the recompense is due upon him.
9. If one in ihram slaughters game, his slaughtered meat is carrio is not permissible to eat it.
10. If one in ihram sells game, or buys it, then the sale is void.
11. There is no harm in one with ihram eating the flesh of game hu and slaughtered by someone not in ihram, provided the one in ihram neither directed him to it, nor ordered him to hunt it.

Other Hunting Transgressions

1. Whoever wounded game, or plucked out is hair, or cut a memb from it, is liable for that which he has diminished [from it].
   - But, if he plucked out the feather of [the wings of] a bird, cut the legs of a game-animal, such that it became incapacitated, then its entire price is [due] upon him.
2. Whoever broke the egg of a game-bird, its price is [due] upon h
   - If a dead chick emerged from it, then its price live is [due] upon him.
3. There is nothing [due] for killing a crow, kite, wolf, snake, scorp or rat.
4. Nor is there anything [due] for killing a gnat, mosquito or tick.
5. Whoever kills a louse gives in charity whatever he wishes.
6. Whoever kills a locust gives in charity whatever he wishes, and date is better than a locust.

6.5 Violations of the Haram

1. For the game of the Haram, if one not in ihram slaughters it, th recompense is [due] upon him.
   - If two people out of ihram colloborated in killing game of t Hram, then a single recompense is [due] upon them.
2. If he cut the grass of the Haram, or its trees which are neither owned [by anybody] nor of those [varieties] which are planted people, then its price is [due] upon him.

6.6 Transgressions in Hajj Qiran

For anything of that which we have mentioned, in which one [sacrific blood is [due] upon someone performing ifrad, two [sacrificial] blood are [due] upon one performing qiran : a blood for his hajj, and a blo for his `umrah,
except if he passed the miqat without ihram, and then donned ihram `umrah and hajj, in which case he is only obliged for one [sacrificial] blood.

7.0 BEING PREVENTED FROM PERFORMING HAJJ (IHSAR) O MISSING THE HAJJ (FAWAT)

7.1 Ihsar

1. Whoever was prevented from Makkah, and is hindered from [bo the Standing and the Tawaf, is in the state of ihsar, but if he is capable of performing either of them, he is not in the state of ih
2. If one in ihram is prevented [from performing hajj] by an enem there afflicted him an illness which prevented him from continu

it is permissible for him to come out of ihram, and he is told : s
a ewe to be slaughtered in the Haram. He arranges someone w
will take it on a particular day on which to slaughter it, and the
comes out of ihram.

- If he was performing qiran, he sends two [sacrificial] blood

3. It is not permissible to slaughter the [sacrificial] blood of ihsar [anywhere] other than in the Haram according to Abu Hanifah. Yusuf and Muhammad (may Allah show mercy to them both) sa It is not permissible for the one prevented from hajj to slaughte [any time] other than in the Days of Immolation, but the one prevented from `umrah may slaughter whenever he wishes.

Make-up Requirements

1. A hajj and `umrah are [due] upon the one prevented from hajj when he comes out of ihram.
2. A make-up `[umrah] is [due] upon one prevented from `umrah
3. A hajj and two `umrah are [due] upon the [prevented] one who was performing qiran.

Removal of the Prevention

If the prevented one sent a sacrificial animal, and arranged with the slaughter it on a particular day, and then the prevention was remove then:

- If he is able to reach the sacrificial animal and the hajj, it is not permissible for him to come out of ihram, and he is obliged to continue.
- If he is able to reach the animal, but not the hajj, he comes out of ihram.
- If he is able to reach the hajj, but not the sacrificial animal, it is permissible (by istihsan) for him to come out of ihram.

7.2 Fawat

1. Whoever entered ihram for hajj, and then missed the Standing `Arafah until the dawn rose on the Day of Immolation, has miss the hajj.
2. It is [obligatory] upon him
   - to perform Tawaf and Sa`y,
   - to come out of ihram, and
   - to make up the Hajj the next year

   No [sacrificial] blood is [due] upon him.

3. `Umrah is never [considered] missed.

8.0 `UMRAH

1. [`Umrah] is valid throughout the year, except for five days in w performing it is disliked :
    - the Day of `Arafah,
    - the Day of Immolation, and
    - the Days of Tashriq.
2. `Umrah is sunnah.
3. It is [made up of]:
    - Ihram
    - Tawaf
    - Sa`y
    - Shaving or cutting [the hair].

9.0 THE SACRIFICIAL ANIMAL

9.1 Permissible Animals

1. The minimum sacrificial animal is a ewe.
2. [The sacrificial animal] is of three types : camel, cow and sheep
3. A thaniyy , or better, of [any of] these suffices, except for the sheep, of which a jadha` suffices.
4. [The following are] not permissible as sacrificial animals:
    - [An animal] with severed ears, or the major part severed,
    - [An animal] with a severed tail, arm or leg,
    - [An animal] whose eyesight is gone,
    - An emaciated animal,
    - A lame animal, such as cannot walk to the place of sacrific
5. A ewe is permissible for everything, except in two cases:
    - One who performed the Tawaf of Visiting with janabah, an
    - One who had sexual intercourse after the Standing at `Ara

    In these two cases, only a she-camel suffices.
6. A she-camel and cow each suffice for seven [people], if each on the partners intends devotion. So, if one of them intended [onl obtain] meat through his share, it does not suffice the remainin [six].

9.2 Benefitting from Sacrificial Animals

1. It is permissible to eat from the meat of the sacrificial animals c supererogatory, tamattu` and qiran. It is not permissible to ea from the remaining [types of] sacrificial animals.
2. One should give its covering and halter in charity; one should n pay the butcher's fee from it.
3. One who sends a camel, and then is forced to ride it, rides it, bu one can do without that, [then] one does not ride it.

4. If it has milk, one does not milk it. One sprinkles cold water on udders so that the milk ceases.

9.3 Preparation and Slaughter

1. It is not permissible to slaughter supererogatory, tamattu` or q sacrificial animals [at any time] except on the Day of Immolatio It is permissible to slaughter the remaining [types of] sacrificial animals at any time one wishes.
2. It is not permissible to slaughter sacrificial animals [anywhere] except in the Haram.
3. It is permissible to give it in charity to the destitute of the Hara and others.
4. It is not obligatory to take the sacrificial animals to `Arafah.
5. Supererogatory, tamattu` and qiran sacrificial animals are garlanded, but the sacrifical blood of ihsar and the sacrificial blo of transgressions are not garlanded.
6. The best for camels is to pierce the base of their necks (nahr), for cows and sheep [the best] is to slaughter them.
7. The most appropriate is that a person take care of the [animals slaughter himself, if he knows how to.

9.4 Replacement

1. One who sends a sacrificial animal, which then dies :
   - If it was supererogatory, then another is not [due] upon h
   - If it was in compensation for a wajib, then he must sets another in its place.
2. If it is afflicted with a severe defect, one sets another in its plac and does as one wishes with the defective one.
3. If a she-camel dies on the way :
   - If it was supererogatory, he pierces the base of its neck, d its collar-leather with its blood, and strikes with it one of it dies. he does not eat from it himself, nor [do] other well- people.
   - If it was obligatory, one sets another in its place, and does he wishes with [the first].

10.0 IMMOLATION (UDHIYAH/QURBANI)

10.1 Obligation

1. The immolation is wajib on every free, resident, well-off Muslim the Day of Immolation, for himself and [on behalf of] his minor children.
2. He slaughters on behalf of each of them a ewe, or he slaughter

she-camel or a cow on behalf of seven.

3. There is no immolation [due] upon the poor one, nor the travell
4. The time for immolation enters with the rise of dawn on the Day Immolation, except that it is not permissible for the inhabitants cities to slaughter until the imam has performed the `Id salah. for the inhabitants of rural areas, they may slaughter after fajr. It is permissible on three days : the Day of Immolation, and tw days [immediately] thereafter.

10.2 Slaughter

1. One does not sacrifice :
   - a blind animal
   - a one-eyed animal
   - a lame animal such as cannot walk to the place of sacrifice
   - an emaciated animal.
2. The [preferable] slaughter is in the neck and upper chest.
3. The best is that one slaughter one's sacrifice with one's [own] hand, if one knows how to slaughter.
4. It is disliked for a Person of the Book to slaughter it.
5. If two men made a mistake, such that each of them slaughtere sacrifice of the other, it suffices them both, and there is no liabl on either of them.

10.3 Benefitting from the Sacrifice

1. One may eat from the meat of the sacrifice, and feed the rich a poor, and store.
2. It is recommended that the [portion given in] charity not be les than one third.
3. One gives its skin in charity, or makes from it some item used i the house.

Charging tuition for teaching Qur'an

Charging tuition for teaching Qur'an

In Sunan Ibn Majah and elsewhere is the account of a Sahabi (Mu`adh ibn Jabal if I remember correctly) who was teaching writing and Qur'an to a man of the people of the Suffah. Later on, the man gave Mu`adh a bow. Mu`adh thought that there is nothing wrong in taking it, and besides, he will use it for fighting in the path of Allah, but he was still uncertain so he thought to ask the Prophet (may Allah bless him and grant him peace). The Prophet told him that "if you want it (the bow) to be girdled around your neck with fire on the Day of Resurrection, then take it." [this is the approximate meaning from memory]

Based on this hadith, the authentic view of the Hanafi school is that it is prohibited to take money for teaching of Qur'an. This is the more precautionary view, and is in keeping with the apparent sense of the hadith. The Shafi`is, however, reasoned that the reason for the prohibition issued to Mu`adh here was that they had not fixed any price for the teaching, and that Mu`adh had therefore been teaching only for the sake of reward in the Hereafter, such that if he were to take a material payment, this would reduce or annul his reward. So, they said there is no harm in taking payment if the price was arranged beforehand. They also drew support from the hadith where a group of Companions took a payment of food for ruqyah (curing someone by reciting verses of the Qur'an). The Hanafis respond that this hadith is an evidence for the permissibility of taking payment for ruqyah, but not for teaching the Qur'an.

The hadith does not apply to selling of Islamic books and other materials; it is specifically about _teaching_. Even selling the Qur'an (muSHaf) is not Haram, (except according to a view of Imam Ahmad ibn Hanbal), but it is makrooh. Although, the salaf used to shy away from accepting money for books and the like also, and this is undoubtedly more precautionary, so as to reserve all reward for the Hereafter. Yet, if someone is making a living by selling books, then there is no harm in charging a profit, w'Allahu a`lam.

The issue of teachers and schools raises another point. As I have mentioned, the authentic view of the madhhab is that taking a fee for teaching Qur'an is Haram. However, later on when Islam

became weaker, and the state no longer took the same care of the religion and its people, such that the `ulama and teachers of the Qur'an were no longer provided for by the state, these people came into dire circumstances. They had no source of income, and no education or training (other than religious sciences) which they could use to earn a living. It was quite literally a matter of life and death for them. Under these situations, fatwa was given in the madhhab on the permissibility of taking payment for teaching Qur'an, since necessity dictates exceptions and makes the prohibited temporarily permissible. Ibn `Abidin has mentioned this in <sharH `uqood rasm al-muftee>.

It should be note, however, that this was a specific fatwa for a specific situation, and that the authentic view of the madhhab remains one of prohibition of accepting payment. So, if a person is in such dire circumstances, with no other way out, he could take by this fatwa then and accept some payment. If no such mitigating circumstances exist, it remains prohibited. w'Allahu a`lam.

Marriage

MARRIAGE

**(According to the Qur'an and Sunnah,
as extracted and inferred by scholars of the Hanafi school.)
From "*Mukhtasar al-Quduri*", a matn of Hanafi fiqh**

1.0 THE SPOKEN FORM

1. **Marriage is contracted by proposal and acceptance, in two statements,**
   - **- both of them expressing the past tense, or**
   - **- one of them expressing the past and the other the future such as one saying, 'Marry [your daughter] to me,' and th other saying, 'I have married [her] to you.'**
     - **If a man marries a woman off without her permission [marries off] a man without his permission, [the mar is contingent on their acceptance].**
2. **Marriage is contracted by the words of marriage, wedding, trans of possession, gift, or charity.**

2.0 WITNESSES

1. **The marriage of Muslims is not contracted without the presence two free, adult, sane, Muslim [male] witnesses, or one man anc women, [whether they be] morally upright or non-upright, or [even] inflicted with the prescribed punishment for slander.**
   - **If a Muslim married a *dhimmi* woman with the witnessing two *dhimmi* men, it is valid according to Abu Hanifah and Yusuf. Muhammad said : It is not valid.**

3.0 PROHIBITED PERSONS

3.1 Prohibition by Kinship

It is not lawful for a man to marry:

1. **His mother, nor his maternal or paternal grandmothers,**
2. **His daughter, nor his granddaughters, and lower**
3. **His sister**
4. **His [niece] : his sister's daughter or his brother's daughter**
5. **His paternal aunt**
6. **His maternal aunt**
7. **His wife's mother, whether he has consummated with her daug or not**

3.2 Prohibition by Marriage Ties

1. **The daughter of his wife with whom he has consummated, whet she is under his guardianship or the guardianship of someone e**

2. His father's or grandfathers' wife
3. His son's or grandson's wife
4. Whoever commits fornication with a woman, her mother and daughter become unlawful to him.
5. [A thrice-divorced ex-wife unless she has since consummated another marriage.]

3.3 Prohibition by Suckling

1. His foster-mother
2. His foster sister

3.4 Prohibition of Combination

1. He may not combine two sisters in marriage, nor as slave-girls intercourse
   - If a man divorced his wife with an irrevocable divorce, it is permissible for him to marry her sister until [his wife's] wa period is over.
2. He may not combine a woman with her paternal or maternal au nor with her [niece:] sister's daughter or brother's daughter.
3. He may not combine two women [who are such that], if one of them were a man, it would not be permissible for her to marry other.
4. There is no objection to combining a woman with a daughter a husband she had previously.
5. A free man may marry four - free women or slave-girls, and he not marry more than that. If a free man divorces one of the fou with an irrevocable divorce, it is not permissible for him to mar [new] fourth [wife] until the waiting-period of [the other] is completed.

3.5 Prohibition by Religion

1. It is permissible [but disliked for a Muslim man] to marry wome the People of the Book, but it is not permissible to marry Zoroastrian women, nor idolatrous women.
2. It is permissible to marry Sabean women if they believe in a prophet and affirm a scripture, but if they worship the planets, have no scripture, then it is not permissible to marry them.

4.0 THE WALI

4.1 Precedence for Wilayah

1. The wali is a paternal male relative.
   - If there exist for an insane woman both her her father and son, then the wali in her marriage is her son according to Hanifah and Abu Yusuf. Muhammad said : [it is] her fathe
2. A slave, minor, insane person, or unbeliever, have no wilayah over a Muslim woman.
3. Abu Hanifah said : it is valid for non-male relatives to marry of the women [if males are not available].
4. If the immediate wali is disjointedly absent, then it is valid for someone beneath him [in predence] to marry [the women off]. A disjointed absence is that he be in a city where the caravans reach only once a year.

4.2 Compatibility

1. Compatibility in marriage is taken into consideration. So, if a woman marries an incompatible [man], the wali has the right to separate them.
2. Compatibility is considered in:
   - lineage
   - religion
   - wealth, which is that he be in possession of the mahr and maintenance.
   - profession.

4.3 Authority of the Wali

1. According to Abu Hanifah, the marriage of a free, adult, sane woman is contracted with her consent, even if there no wali performs the contract for her, whether she is virgin or not. Abu Yusuf and Muhammad said : it is not contracted without a wali.
2. It is not permissible for the wali to coerce an adult virgin to marry [someone].
3. If he asks for her permission, and she remains silent, or giggles, that is [indicative of] her permission. But, if she refuses, he may not marry her off.
   - If the husband says, 'The marriage [proposal] reached you and you remained silent,' but she says, 'No, I refused it.'

the word is hers, and there is no oath due on her. There is extraction of oath in marriage according to Abu Hanifah. [I Abu Yusuf and Muhammad said : oaths are extracted in it.

4. If he asks the permission of a non-virgin, her consent in words is essential.
   - If her virginity was removed by jumping, or menstruation, an injury, then her is that of the virgin.
   - If it was removed by fornication, then the same according Abu Hanifah.
5. The marriage of a minor male or female is valid if the wali marries them off, whether the minor girl is a virgin or not.
6. If [two minors] were married off by the father or grandfaather, then they do not have a choice after reaching maturity. But, if other than the father or grandfather married them off, then each of them has the choice when they reach adulthood : if he wishes, he may continue in the marriage, and if he wishes he may annul it.
7. If a woman marries and keeps her mahr lower [than her peers] then the wali has the right to object to that, according to Abu Hanifah, until [the husband] makes up the mahr of her peers or separates from her.
8. If a father marries off his minor daughter anbd keeps her mahr lower [than her peers], or [marries off] his minor son and exceeds in the mahr of his wife, that is valid for them. But that is not permissible for other than the father and grandfather.
9. It is valid for a paternal uncle's son to marry the daughter of his paternal uncle to himself.

If the woman gives permission to a man to marry her to himself in the presence of two witnesses, [the contract] is valid.

5.0 MAHR (MARRIAGE PAYMENT TO THE BRIDE)

5.1 Specification

1. The marriage is valid if a mahr was named in it, and it is valid [even] if no mahr was named in it.
   - If a man marries off his daughter [to a man] on condition the man marry off hsi sister, or daughter, such that one of contracts is in exchange for the other , then both contracts valid, but each of [the women] is entitled to the mahr of h peers.
2. The minimum mahr is 10 dirhams, and so if he named less than 10, she is entitled to 10.
   - If a Muslim marries [a woman] on [a mahr of] wine, or po then the marriage is valid, but she is entitled to the mahr of her peers.

- If he marries her on [a mahr of] an undescribed animal, th naming is valid, and she is entitled to a medium one. The husband has a choice : if he wishes, he may give her that, he wishes, he may give her its value [in money].
- If he marries her on [a mahr of] an undescribed garment t she is entitled to the mahr of her peers.
- If a free man marries a woman on [a mahr of] service to h for a year, or for teaching her Qur'an, then she is entitled the mahr of her peers.

3. The dower of her peers is reckoned by [consideration of] her sisters, paternal aunts and paternal uncle's daughters. It is not reckoned with reference to her mother and maternal aunt if the are not of her tribe. That which is taken into account in [ascertaining] the mahr of her peers is :

   that the two women are equivalent in age, beauty, modesty, wealth, intelligence, religiousness, country and time.

4. If he added to [the amount of] her mahr after the contract, he i obliged to [pay] the additonal amount, but it is waived by divor before consummation.

If she waived [some] of her mahr from him, the waiver is valid.

5.2 Entitlement

1. 1. If a man is secluded with his wife, and there is no hindrance intercourse, and then he divorces her, then she is entitled to th complete mahr. But, if one of them is ill, or fasting in Ramadan, in ihram for obligatory or superogatory hajj or `umrah, or she i menstruating, then it is not a valid seclusion.
   - If a castrated man is in seclusion with his wife, and then divorces her, then she is entitled to the complete mahr according to Abu Hanifah.
2. Whoever names a mahr of 10 [dirhams] or more is obliged [to p the named [amount] if he consummates with her or dies leavin her.
   - If he divorces her before consummation and seclusion, the she is entitled to half of the named amount.
3. If he marries her and does not name a mahr, or he marries her condition that she will have no mahr, then she is entitled to the mahr of her peers if he consummates with her or dies leaving h
   - If he divorces her before consummation, then she is entitl compensation, which is three garments of her peer's usag
4. If he marries her and does not name a mahr, and then they mutually agree to name a mahr, then she is entitled to it if they consummate or he dies leaving her. If he divorces her before

consummation then she is entitled to compensation.

5. It is recommended [for a man to give] compensation to every divorced woman except one [for whom it is essential,] and that is the one he divorced before consummation and for whom he did not name a mahr.
6. If the wali guarantees the mahr, his guarantee is valid, and the woman has a choice between demanding [it] from her husband or [from] her wali.
7. If [a man] marries a woman on [a mahr of] one thousand [being less than the mahr of her peers] on condition that he will not take her out of the country, or on condition that he will not marry over her, then if he fulfils the condition she is entitled to the named [mahr]. But, if he marries over her, or takes her out of the country, then she is entitled to the mahr of her peers.

6.0 TERMINATION OF A MARRIAGE

6.1 Invalidation of a Marriage

1. It is valid for a man and woman in ihram to marry one another in the state of ihram.
2. Mut`ah marriage and time-limited marriage are invalid.
3. If the judge separates the two spouses of an unsound marriage before consummation, then she is not entitled to a mahr, and similarly after seclusion. But, if he consummated with her then she is entitled to the mahr of her peers, [but] it may not exceed the named [mahr]. The waiting period is due upon her, and the lineage of her child is established.
4. Whoever marries two women in one contract, one of them not being lawful to him to marry, the marriage of the one who is lawful for him to marry is valid, and the marriage of the other is invalidated.

6.2 Physical Defects

1. If the wife has a defect, then her husband has no power of choice.
2. If the husband is afflicted with insanity, or white or black leprosy, then the wife has no power of choice according to Abu Hanifah and Abu Yusuf. Muhammad said : she has the power of choice.
3. If he is impotent, the judge adjourns him for a year, and then if he reaches her [during that time, the marriage continues] otherwise he separates them if the woman requests that. The

separation is an irrevocable divorce. She is entitled to the entire mahr if he had been secluded with her.

The castrated man is adjourned just as the impotent one is adjourned.

4. If [the husband] is [a man with] dissevered [genitals] then the judge separates them immediately, and does not adjourn him.

6.3 Embracement of Islam

1. If a woman embraces Islam and her husband is an unbeliever, the judge presents Islam to him. Then, if he accepts Islam, she is [still] his wife, but if he refuses [the judge] separates them, and that is an irrevocable divorce according to Abu Hanifah and Muhammad. Abu Yusuf said : it is a separation without divorce.
2. If a husband embraces Islam with a Zoroastrian woman under him, [the judge] presents Islam to her. Then, if she embraces Islam, she is [still] his wife, but if she refuses, the judge separates them. This separation is not a divorce, but if he had consummated with her she is entitled to the mahr. If he had not consummated with her then there is no mahr for her.
3. If a woman embraces Islam in ***Dar al-Harb***, separation does not take effect on her until she has menstruated three menstrual periods. Then, when she has menstruated [thrice], she becomes separated from her husband.
4. If the husband of a Kitabi woman embraces islam, they [continue] upon their marriage.
5. If one of the two spouses comes out to us from Dar al-Harb as a Muslim, separation takes effect between them.
6. If a woman comes out to us as an emigree, it is permissible for her to marry, and there is no waiting period [due] upon her according to Abu Hanifah. But, if she is pregnant, she may not marry until she delivers her load.
7. If an unbeliever married without witnesses, or in the waiting period of an unbeliever, and that is legitimate according to their religion, and then they both embrace Islam, they are asserted in it. But if a Zoroastrian married his mother, or his daughter, and then they both embraced Islam, they are separated.

6.4 Apostasy

1. If one of the two spouses apostasizes from Islam, separation occurs between them without divorce. Then,
   - If the apostate is the husband, and he has consummated w

her then she is entitled to the entire mahr.

- If the woman is the apostate before consummation then tl is no mahr for her. But, if the apostasy is after consumma she is entitled to the mahr.
- If they both apostasize together and [then] embrace Islan together then they [continue] upon their marriage.

2. It is not permissible for an apostate to marry a Muslim woman, an unbelieveing woman, nor an apostate woman. Similarly, an apostate woman may not be married by a Muslim man, nor an unbeliever nor an apostate.
3. If one of the spouses is Muslim then the child [continues] upon religion. Similarly, if one of the two [spouses] embraces Islam a has a minor child, his child becomes Muslim by his [parent's] Is If one of the two spouses is a Kitabi and the other Zoroastrian t the child is a Kitabi.

7.0 TREATMENT OF WIVES

1. If a man has two free-women wives, it is [obligatory] upon him be just with them in division [of nights, clothing, food and companionship], whether they were both virgins, or both non-virgins, or one a virgin and the other a non-virgin.
2. They have no right to division in the circumstance of travel. The husband may travel with whomever he wishes of them, but the more appropriate [procedure] is that he draw lots between ther and then travel with whichever [wife] has her lot drawn.
3. If one of the wives consents to forgo her share for her co-wife, valid, but she is entitled to revoke that.

8.0 SUCKLING

8.1 Period of Suckling

1. A little and a lot of suckling is the same [as far as regulation]. I occurs in the period of suckling, [the ruling of] prohibition is attached to it.
2. The period of suckling, according to Abu Hanifah, is thirty mont Abu Yusuf and Muhammad said : two years.
3. Then, when the period of suckling has expired, no prohibition is attached to suckling.
4. In suckling, the testimony of women alone is not accepted. [Suckling] is only established by the testimony of two men, or a man and two women.

8.2 Mixing of the Milk with Other Substances

1. If milk is mixed with water, and the milk is predominant, prohib is attached to it, but if the water is predominant, prohibition is r attached to it.
2. If [milk] is mixed with food, prohibition is not attached to it, eve the milk is predominant according to Abu Hanifah.
3. If [milk] is mixed with medicine and [the milk] is predominant, prohibition is attached to it.
4. If milk is mixed with the milk of a ewe, and the [human] milk is predominant, prohibition is attached to it, but if the ewe's milk predominant, prohibition is not attached to it.
5. If the milk of two women is mixed, prohibition is attached to the preponderant of the two according to Abu Hanifah and Abu Yusu Muhammad said : It is attached to them both.

8.3 Source of the Milk

1. If milk is extracted from a woman after her death, and an infan fed with it, prohibition is attached to it.
2. If milk comes forth from a virgin, and she then suckles an infan with it, prohibition is attached to it.
3. If milk comes forth from a man, and he then suckles an infant w it, prohibition is not attached to it.
4. If two infants drink the milk of a [single] ewe, there is no [relationship of] suckling between them.

8.4 Prohibitions through Suckling

1. Suckling makes prohibited all that kinship makes prohibited, ex for
   - The mother of his foster-sister, and so he may marry her, although he may not marry the mother of his sister by kin and
   - The sister of his foster-son; he may marry her, although h may not marry the sister of his son by kinship.

   The wife of his foster-son he may not marry, just as he may no marry the wife of his son by kinship.

   The wife of his foster-father he may not marry, just as he may marry the wife of his father by kinship.

2. A man may marry the sister of his foster-brother, just as he may marry the sister of his [half-]brother by kinship. That is, for example, like a paternal brother, if he has a maternal sister; it is permissible for his paternal brother to marry her.
3. Prohibition is attached to the milk due to a man, which is that the wife suckles a girl, and so then this girl is prohibited to her husband, and to his fathers and sons. The husband from whom the milk is derived becomes a [foster-]father to the suckled girl.
4. [For] any two infants that share a breast, it is not permissible for one of them to marry the other.
5. It is not permissible for a suckled girl to marry any one of the sons of the woman who suckled her, nor her son's sons.
6. A suckled boy may not marry the sister of the foster-woman's husband, because she is his foster-aunt.
7. If a man marries an infant girl and an adult woman, and then the woman suckles the infant, they both become prohibited to the husband. If he had not consummated with the woman, then there is no mahr for her, but the infant is entitled to half the mahr. The husband may claim it from the woman is she had deliberately used that for invalidation [of the marriage]. If she had not done it deliberately then there is nothing due upon her.

Children

Children

from "Al-Minhaj Al-Qawim `ala al-Muqaddimah al-Hadramiyyah"
(a standard text of the Shafi`i school)

Naming Children

It is sunnah to keep a good name , and the best of names are Abdullah (Slave of Allah) and AbdulRahman (Slave of the Most Merciful) and the most truthful are al-Haarith (Productive) and Humaam (Active), and the worst are Harb (War) and Murrah (Bitter).
[The most beloved of names to Allah (the Exalted the Majestic) are Abdullah and AbdulRahman -reported by Muslim Abu Dawud added : and the most truthful are al-Haarith and Humaam, and the worst are Harb and Murrah]

And bad names, and those which signify bad things by their absence, are makrooh (disliked), such as NujayH (Successful), Barakah (Blessing), Kulayb (Dog), Harb (War), Murrah (Bitter), Shihab (Meteor), Himar (Donkey), AflaH (Most Successful), Yasaar (Ease), RabaaH (Profit) and Naafi` (Beneficial), and names like Sittun-nisaa (Lady of all ladies) are more reprehensible. And 'King of Kings' is forbidden, as is 'Shahenshah', and AqDal-quDaat (judge of judges).

And it is mandoob (preferred) to change bad names and those which signify bad things by their absence. And it is preferred (mandoob) for a man's son, pupil and servant not to call him by his name, and that good people (men and women) should have kunyah, even if they don't have a son, and that the kunyah is according to the eldest son, and it is forbidden (Haram) to have the kunyah of AbulQasim for one whose name is Muhammad as well as for others, during the life of the Prophet (s.a.w.) as well as

thereafter.
{NOTE (inserted): There is some difference among schools of thought on this point- some have held that the prohibition applied only during the lifetime of the Prophet (s.a.w.)}

And a transgressor (faasiq) or innovator should not be given kunyah unless there is fear of fitnah, or if it is for recognition, (like Abu Lahab). And it is preferred that a person should not use his kunyah alone (i.e. without including his name as well), unless he is well known by his kunyah and not known by anything besides it. And it is forbidden (Haraam) to nickname somebody by that which he dislikes if he is known by some other name (which he does not dislike), even if the nickname reflects something about him which is true.

The Kunyah

Evidence was requested that to have a kunyah is sunnah. There are several allusions to this in the aHadeeth. Firstly, the Prophet (may Allah bless him and grant him peace) had a kunyah, and there is no evidence that to have a kunyah was exclusively for him, and this suggests that it is a sunnah (following the Prophet in something which was not exclusivley for him (may Allah bless him and grant him peace)). Then there is the Hadeeth to name people by the Prophet's name (Muhammad) but not by his kunyah (AbulQasim), which again implicitly suggests that we would be naming people with a kunyah. Further, there is a Hadeeth reported in Tirmidhi's "al-Shama'il" in which the Prophet (s.a.w.) called a young boy by a kunyah, showing that it is not necessary to have a child before taking on a kunyah. Further discussion of these ahadeeth can be found in FatH-al-Baaree (commentary of SaHeeH al-Bukhari).

Islamic Education / Upbringing of Children

"O you who believe! Save yourselves and your families from a fire, the fuel of which is mankind and stones. Over it are angels, harsh and severe, who do not disobey Allah in that which He commands them, and they do what they are ordered." [Qur'an, 66:6]
"Save yourselves and your families," meaning : teach them the good and educate/discipline them. [as explained by `Ali; reported by Ibn al-Mundhir and al-Hakim (who authenticated it)]
Ibn `Abbas said : Implement obedience to Allah, keep away from acts of disobedience to Allah, and order your families to remember Allah, so that Allah might deliver you from the Fire.
Qatadah said : Order them to obey Allah, and prohibit them from disobeying Allah. Preside over them with the decree of Allah, and

assist them in fulfilling it. When you see them disobeying Allah, reprimand and restrain them.

Brothers, and sisters, many of us perhaps had at least somewhat of an Islamic upbringing, perhaps growing up in a Muslim country, and hence we may not fully realize how great is the danger in which children are growing up in this country. Sending them to a public school, with merely a few hours of Islamic 'Sunday school' weekly (and how many do not get even that?), will more often than not fall far short of meeting their spiritual requirements and fulfilling the duty which the parents owe to them. If, throughout the week, they are in the morally, spiritually and ethically decadent and bankrupt environment at school, this is obviously going to have a profoundly devastating effect on their upbringing, and in particular on their faith (iman), especially when one adds to this the influence of television and the like. We cannot be so silly as to not take any precautions, nor make any effort to save our children from the evils of the society, and then still naively hope that, somehow, they will grow up as good, practicing Muslims, immune to the corruption, fornication, drugs and other sins around them.
"And man shall have only that for which he strives." [Surah al-Najm]

If you cannot preserve, practice and propagate your religion in a land, for even yourself and your children let alone others, then you are not permitted to remain there and must perform hijrah (emigration) if you are able to. Incapacity of this sort is not an excuse; rather it is a crime and a sin.
"Those whose souls the angels take while [the people] are wronging themselves [by abandoning hijrah]; [the angels] say, 'What was the matter with you?' They say, 'We were weak and oppressed in the land.' [The angels] say, 'Was not Allah's land spacious, that you could migrate therein?' So, the abode of those [people] shall be Hell; how terrible an outcome!" [Surah al-Nisa']
Hafiz Ibn Kathir says, "This noble verse was revealed in general terms applying to anyone who takes up residence among the pagans, and is capable of migrating and not capable of establishing his religion, for he is wronging himself and committing a forbidden deed by the consensus (ijma`) [of jurists]." [MTIK, (1/427)]

Indeed, in such an environment, there is a risk of a child losing his faith entirely by falling into blasphemy, polytheism and unbelief. Luqman (may Allah be merciful to him) advised his son,
"O my son! Do not associate partners with Allah! Indeed, <shiRk> (associating partners/inappropriate descriptions to Allah) is a terrible injustice." [Surah Luqman]
Obviously, merely ordering the children not to commit <shiRk> is not enough by itself. We have to adopt the necessary means towards achieving our goal, otherwise we will be 'like one who stretches out his hands to water, in order for it to reach his mouth, but it will not reach it.' [Surah al-Nur] We need to provide the

appropriate environment, training and upbringing that facilitate and foster faith, such that the child will automatically recognize and shun unbelief and evil. So, the children should be in an Islamic environment. Perhaps one of the best ways to achieve this is in this country is through an Islamic school, where children can study both worldly and Islamic subjects in a spiritually and morally clean and healthy, Islamic environment. It is up to us, if we are remaining in this country, to set up such schools for our children, and to support them. Don't we owe at least this much to our children? Merely clothing and feeding one's offspring, taking care of their physical needs, is done even by animals. But, as human beings, we have a duty to do more, and we will be questioned about this duty on the Day of Judgement.

"Every one of you is a guardian, and every one of you is liable to be questioned about those in his care. The man is a guardian with regard to his family, and is liable to be questioned about those in his care. The woman is a guardian with respect to her husband's house, and is liable to be questioned about that in her care . . . . So, every one of you is a guardian, and every one of you is liable to be questioned about those in his care." [Bukhari, Muslim]

So, brothers and sisters, save yourselves and your families from a fire, the fuel of which is mankind and stones. Ibn Mas`ud said : they are stones of sulphur, more foul-smelling than corpses.

And, over this fire are angels, harsh and severe.

`Ikrimah has said that when the first of the people of Hell reach the Fire, they will find at its gate 400,000 of the custodians of Hell, with faces dark and teeth scowling. Allah has removed mercy from their hearts, [such that] none of them has even an atom's weight of mercy in his heart. [Reported by Ibn Abi Hatim]

And remember, your effort in this regard will bring its fruits in this world - in the form of your children's well-being, and in the Hereafter - in the form of their salvation, and also in the form of reward for yourselves.

"When the son of Adam dies, his good deeds come to an end, except from three [sources] : perennial charity (sadaqah jariyah), knowledge from which benefit is obtained, and a pious child who prays for him." [Riyad al-Saliheen]

"Those who believe, and whose offspring follow them in faith, We shall unite their offspring with them, and We shall not deprive them of anything of their [good] deeds." [Qur'an, 52:21]

Gender Issues

Talking to the Opposite Sex

1. A woman can speak to men out of necessity, such as for conducting a business transaction, or conveying religious knowledge. The wives of the prophet (may Allah bless him and grant him peace) used to relate knowledge to the Companions. They used to do it from behind a curtain, and although women other than them are generally not subject to the same strict codes, the scholars have said that if a sister is giving a regular class to brothers (and similarly if a brother is giving a class to sisters), there should be a curtain or some other separation between them. This is based on experience, for if a class is given on an on-going basis, it is very possible and almost inevitable that some kind of fitnah (e.g. development of some attachment between a brother and a sister) may result in the absence of a curtain. Imam al-Shafi`i had around 200 women teachers, and studied from them from behind a curtain.
2. As for casual conversation, without a need, this is surely opening the door to great fitnah and will almost inevitably lead to adultery of the tongue. "Allah has written for Adam's son his share of adultery which he commits inevitably. The adultery of the eyes is the sight (to gaze at a forbidden thing), the adultery of the tongue is the talk, and the inner self wishes and desires and the private parts testify all this or deny it." [Bukhari (8)74:260]
3. If a woman does speak to a man who is neither her husband nor her maHram (permanently non-marriageable kin) then the two may not be alone, for otherwise the third of them is Satan. This applies even if the man is her brother-in-law, and in fact even more so, for the Prophet (may Allah bless him and grant him peace) said, "The brother-in-law is death." [Bukhari] Further, scholars have deduced that the man and woman may not be alone with a third (non-maHram) man, but they can be with another woman.
4. If a woman does speak to a man (and vice-versa), it should be straightforward speech, for exceeding the limits of necessity opens the door to Satan. Also, the woman should make sure her voice is not soft and alluring. "And be not soft in speech lest he in whose heart is a disease be moved with desire." [Qur'an, 33:32]

Women Travelling

1. **The Distance of the Journey**
2. **Definition of a maHram**
3. **Woman travelling alone?**
4. **Specific comments to the sister**

1. The Distance of the Journey

There are various narrations on the order for women to travel with a maHram. (Brother Farooq (farooqm@uiu-fayette-1.uiu.edu) has been good enough to collect a number of them and has posted them to the net already.) A discussion of these hadith has been undertaken in the two major commentaries of Sahih al-Bukhari:
- by Hafiz Ibn Hajar in "FatH al-Baaree" (vol IV, pp. 90-91) from a Shafi`i perspective, and
- by Hafiz al-`Ayni in "`Umdat al-Qaaree" (vol. VIII, pp. 411-412) from a Hanafi perspective.

The synopsis is that there is the narration of Ibn `Abbas in Sahih al-Bukhari which says that a woman must not travel without a maHram. It adds nothing else. There are other narrations, in Sahih al-Bukhari and elsewhere, which mention a lengths of journeys for which a maHram is required - some of the narrations specify three days, some two, some one, and some even less.

The Shafi`is took the narration of Ibn `Abbas as `aamm muTlaq (general and unrestricted), and deduced that a woman may not embark on any journey (longer than 81km) regardless of the length, without a maHram. The narrations specifying a length for the journey were taken by them as being in response to specific questions, or by way of illustration.

The Hanafis, on the other hand, considered the other narrations as containing additional information (ziyaadah), which was perhaps somehow dropped from the narration of Ibn `Abbas. Hence, they considered Ibn `Abbas' narration subject to specification by the others. Since the lengths of journey given in the various narrations differ, and it is not possible for us to determine the temporal succession of the narrations, their evidentiary capacity becomes speculative, and in such a situation we must take by the most certain position. Hence, the Hanafis took by the narration of three days and three nights (anything beneath that being speculative and inadequate to base a ruling upon). It should be noted that this refers to the distance usually covered by walking or by beast in three days, so that the restriction of travelling with a maHram applies if the _distance_ of the journey exceeds this, even if the journey itself is accomplished in a shorter time, as stated by the Grand Mufti of Pakistan, Muhammad Rafi` (may Allah preserve him and bring benefit by him).

By now, it should be apparent that the sister's practice is baseless according to the Hanafi school. We now proceed to demostrate its invalidity in the Shafi`i school also, and in order to do this, we need to define 'journey'.

'Journey' ( ) in Arabic _lexically_ means 'the traversal of distance.' [see: al-Mu`jam al-WaseeT, (various), vol. I, p. 433; al-Qaamoos al-MuHeeT, al-Ferozabadi, 368.] However, as is the case with many Arabic words, the shari`ah takes the lexical meaning and makes it more specific. `Allamah al-`Ayni elaborates, "'Journey' is lexcially the traversal of distance, but that is not what is meant here. Rather, the import is a specific traversal . . . . that whereby there occurs change in the regulations : shortening of salah, breaking the fast, wiping on the khuffs for three days and nights, the waiving of [the prayers of] Jumu`ah and the Two Eids, the waiving of [the obligation to] offer the uDHiyah (Qurbani), and the prohibition of a free woman going out without a maHram." [al-Bunaayah fee sharH al-hidaayah, vol. II, p. 741]

What is the evidence, then, that 'journey' takes on a more specific meaning in the shari`ah? First of all, it is a rational necessity. Since lexically, a journey is any traversal of distance, it becomes essential to fix a reference location such that departure from it constitutes a journey, and this location must be of finite (non-zero) dimensions. It is also intuitive that this 'home' location cannot be extremely small,

because we know through the consecutively inherited tradition of Islam that people do not shorten their prayers, nor exercise other travel-specific regulations in their day-to-day activities, in spite of the fact that they are traversing distance. "The best of you are those who, when they travel, they shorten their salah and do not fast." [al-Umm, Imam al-Shafi`i, vol. I, p. 208]

Let us provide another line of deduction also. A hadith states that the resident wipes for a day and a night, and the traveller three days and nights [Narrated by Daraqutni (Bukhari said it is Hasan, Tahawi said it is SaHeeH), Tirmidhi (Hasan SaHeeH) and others.] 'The traveller' here must refer either to a specific traveller, or to the entire category of travellers. Since it is obviously not the former, it must apply to every single traveller. Hence, someone travelling for less than three days and nights is not a traveller (in the context of the shari`ah). If such a person were to be considered a traveller, the statement 'the traveller' in the hadith could not be referring to the entire category ( ) of travellers, and that is inadmissible, for it would imply that there are some travellers for whom wiping does not apply for three days, which would imply lying on the part of the Law-Giver, and that is clearly invalid. [See : al-Bunaayah, vol. I, pp. 570-517; vol. II, p. 744).

2. Definition of a maHram

A woman's maHram is a permanently non-marriageable male relative of hers. According to the majority of scholars, his being a Muslim is not a condition for his being a maHram. However, Imam Ahmad said that a Muslim woman's non-Muslim father is not her maHram, because he cannot be trusted with regard to protection of her religion. [See fatH al-Baaree] It is also only reasonable that the maHram should be capable of taking care of/protecting the woman, so that a baby son would not be suitable for this purpose, although he is technically a maHram.

3. Woman traveling alone?

Finally, a word on the hadith that a woman will travel and perform Tawaf of the Ka`bah without a husband/maHram with her. This hadith seems to suggest the permissibility of women travelling alone, but it needs further, more precise analysis. [See FatH al-Baaree and `Umdat al-Qaaree once again] The Shafi`is, for example, adduced this hadith as evidence that a woman may travel for Hajj without a maHram if the way is safe. According to the Shafi`i school, a woman can perform Hajj even in the company of other trustworthy women. The Hanafis, however, pointed out that this hadith is an account of something which is going to happen, and as such is not a sign of its approval or permissibility. In any case, it seems very shaky to deduce a general permissibility of a woman travelling alone in safety just from this hadith, especially in view of other evidences.

And Allah, the Flawless, is most knowledgable and most wise.

4. Specific comments

The sister should be reassured that the practice she has been imposing on herself is not religiously required of her. Of course, if there are extraordinary circumstances on which she is basing her decision, such as the presence of some danger or other evil if she were to use the elevators and go down four floors on her own, then that is a different matter. A Muslim should not deliberately and needlessly expose him/ herself to danger. As for not going to the store, doctor, park, etc. without a maHmram/husband : If the sister prefers to stay at home - as a means for avoiding the various evils outside which affect a person to at least some extent - without making this practice an obligation, and in keeping with a more strict observation of the verse, ("And remain in your houses,") [Surah al-aHzaab] then that is her prerogative. However, it should be made clear that this is not a religious requirement, for it does not constitute a journey in the context of the shari`ah, as we have explained. Again, if there is a real danger of attack, rape or molestation, then she should not go alone, of course. If not, though, then let us not prohibit what Allah has made permissible. "Do not be hard on yourselves, lest Allah be hard on you. Indeed, there used to be people who were hard on themselves, and so Allah was hard on them. You see their remains in the monasteries." [Mishkat al-Masabih, from memory]

Women and the Mosque

Allah The Exalted mentions mosques in Surat al-Noor (Light), beginning at verse 36; (translation follows):
"In houses which Allah has permitted to be raised up and that His name may be remembered in them. There glorify Him therein, in the mornings and the evenings, men whom neither trade nor selling diverts from the remembrance of Allah and the establishment of salah and the giving of zakah; they fear a day in which the hearts and eyes shall turn about; (It is) in order that Allah may reward them for the best of what they have done, and give them more out of His bounty. Allah provides for whomever He wills without measure."

Regarding women attending congregational prayers in the mosque, it has been reported from the Prophet (peace be upon him) that if women ask for permission to go to the mosque, they should be given permission. He is also reported to have said , meaning 'Do not prevent the female servants of Allah (i.e. women) from (going to) the mosques of Allah'. However, the Prophet himself laid down certain conditions which are clear from authentic traditions; among these is that a woman attending prayers in the mosque should not use perfume.

The reason for this is clear - people go to mosques to pray, and in prayer concentration and humility are sought after; distractions such as a perfumed woman are certainly not conducive to a good prayer. If women go to mosques with decorated clothes and perfumes, this is against the spirit of prayer in the mosque. It is probably in this regard that Aishah (may Allah be pleased with her) said during the time of the Companions of the Prophet, that had the Messenger of Allah known what women have introduced after his death, he would have prevented them from going to mosques just as the women of the Israelites were forbidden to do so. [Reported in SaHeeH Muslim].

Jurists have specified that if a woman wants to attend prayers in the mosque, the following conditions should be satisfied:

- She should not be perfumed (as has already been mentioned)

- She should not have make-up or any other form of beautification, such as decorated or fancy clothes, such as would be distracting to men. Also, their clothes should not be such as to attract the attention even of other women, because they are coming to to the mosque to pray, not for a fashion show. Of course, it goes without saying that women should wear hijaab when they come to the mosque. People may argue that we see improperly dressed women all the time outside the mosque, so there is no harm if women come into the mosques without a head covering for example. But, we should remember that a mosque is a place of prayer, and aside from the distraction such a woman would cause, we know anyway that a Muslim woman should wear hijaab even outside the mosque. Besides, the fact that we see semi-naked women outside the mosque does not change the fact that such behavior is still wrong, and we should hate it with our hearts at least (this being the weakest form of faith), and certainly we should enforce the correct codes of dress and behavior in places which we do have control over.

- She should not mix with the men. The Prophet has told us that the best rows (in prayer) for men are the first (front) ones, and the worst for them are the last ones, while for women it is the opposite. [Reported by Muslim] (This applies to the case where men and women are praying together - if no men are present, and only women are praying in a room, then the best rows for women are the foremost (front) ones). The reason for this is that a woman in the backmost rows is furthest from the men, and so is least likely to be distracted by their movements, voices, etc. This is corroborated by the Hadith (reported by Muslim): Oh assembly of women! Do not raise your heads (from ruku/sujud) until after the men have done so.

In fact, according to Hanafi jurists, if a row of women is in front of a row of men, the prayer of the men behind the women is void (broken), since the men are disregarding the hadith . Similarly, If a woman is praying together with a man , standing next to him without any barrier between them, the prayer of the man is broken. Some scholars are of the view that if a woman passes in front of a man while he is praying, his prayer will be broken. Other jurists have also disapproved of women praying in front of men, although they did not think the men's prayers would become void. So, if the mosque also serves other purposes, such as providing various facilities for use by Muslim men and women, so that women may need to move around the mosque, they should bear these things in mind. Similarly, men should avoid praying in places where women cannot avoid passing in front of them.

- There should not be any danger for the women on the road to the mosque, nor should there be any danger of the women causing distraction or mischief on the road.

- If a woman is praying while men are present, she should not recite aloud. This is based on the Qur'anic advice to women in Surat al-aHzaab, verses 33-34, (the translation of which is): "then be not soft in (your) speech, lest he in whose heart is a disease yearn; and speak a good word. And stay in your houses and do not display your finery like the displaying of the ignorance of yore;"

From this it is obvious that women coming to the mosque should not remain behind and talk unnecessarily. The sunnah is that they leave immediately after the prayer while the men remained engaged in , so that intermingling is minimized - this was the practice of the early generations of Muslims. Of course, this does not give men a license to remain behind to engage in useless talk. In order to further reduce mixing of the sexes, the Prophet (may Allah bless him and grant him peace) introduced a separate door to the mosque for women, and Umar (may Allah be pleased with him) used to prevent men from entering by his door.

-One other point regarding women in the mosque is regarding the Hadeeth (clapping is for women, tasbeeH [i.e.saying subHaanAllaah] is for men) [Reported by Muslim]. If, during the prayer, the Imam makes a mistake, men should say to alert him, but women should clap with their hands. This clapping is not the clapping together of the two palms as is done when playing or applauding; it refers rather to a woman tapping on the outer part of her left hand using the palm of her right hand - if she instead clapped by striking her two palms together withthe intention of imitating the behavior of somebody playing or applauding, her prayer is broken.

Let us move to the issue of the jum`a prayer. The jum`a prayer is not compulsory for women, although if they wish they may perform it instead of Zuhr prayer.

1. Hanafi opinion

It is better (afDal) for the woman to pray Zuhr at home rather than got the mosq mosque and perform jum`a, since jum`a is not compulsory for her. Imam Abu Haneefah himself used to allow women to come to the mosque, but later, after his death, Imam Muhammad his student did not see any harm in forbidding women from coming since they did not observe the proper etiquette.

2. Maliki opinion

It is permissible (jaa'iz) for an elderly woman (whom men would not be unduly attracted by) to go the mosque to offer jum`a. It is undesirable (makrooh) for a young woman to go, however, and if it is feared that she would be a cause of fitnah then it is forbidden (Haraam) for her to go.

3. Shafi`i opinion

It is makrooh for a good-looking woman to go to the mosque, either for jum`ah or for any other prayer, even if she wears plain (undecorated) clothes. It is permissible (not makrooh) for an elderly woman to go, but she must wear plain (non-fancy) clothes. In all cases two conditions must be satisfied first:

1. The woman should get permission from her father, or husband, or other male guardian,
2. There should not be any danger of fitnah, either on the way to the mosque or in the mosque itself.

If these 2 conditions cannot be fulfilled, it is Haraam (forbidden) for the woman to go to the mosque.

4. Hanbali opinion

It is neutrally permissible (mubaaH) for an elderly woman to go to the mosque, but disliked (makrooh) for a young, good-looking woman.

Evidences for these opinions in Hadeeth include:
"Do not forbid your women from the mosques, although their houses are better for them (to pray in)." [related by Imam Ahmad. Also by Abu Dawood, and its chain of narration (isnaad) is sound (SaHeeH),

as has been reported in Mishkaat-ul-maSaabeeH.]
"The best mosque for women is the depths of their houses."
[related by Imam Ahmad]

Also, the statement of Aishah has been taken to account, bearing in mind that she was , and that the condition of women today is generally as bad if not worse than at that time. From her statement, it is concluded that protection from fitnah is more important than women praying in the mosque. If both can be accomplished, that is fine, otherwise the former has a higher priority.

[Note: regarding fitnah, an Arabic word which is used above,since some people may not be familiar with it. The noun is derived from the root {f-t-n} which has the following meanings: In a general sense it means to try, probe, or test. From this follow further meanings such as 'to tempt', 'to visit or tempt by calamity', 'to incite to rebellion', 'to stir up revolt or discord'. Other meanings, which are appropriate to our case are: To charm by beauty, captivate, madden, fill with admiration, allure, enamor, arouse. So can mean infatuation, fascination, captivation, enchantment, seduction, trial, affliction, temptation.]

I have quoted the opinions of the 4 schools of thought regarding women and the mosque, in order to give some idea of the general rulings of the majority of muslim scholars. From the 4 opinions I posted, what can be seen is that most scholars preferred that women not go to the mosque. However, it is wrong to place an absolute ban on all women going to the mosque; such a ban would be against the advice of the Prophet. Regarding the statement of `Aishah that the prophet would have forbidden women from going to the mosque if he had known what they had introduced- this does not contradict the Prophet: the Prophet himself said that women should not come to the mosque with perfume. So, `Aishah meant that if the Prophet knew that women were coming to the mosque with perfumes and fancy clothes, he would have prevented them. And Allah knows best.

Al-Waanilee [in his book: al-masjid fil-Islam] mentions that the women used used to come to the mosque and pray the Jum`ah prayer during the time of the Prophet. He then goes on to say that women should realize that although Allah has permitted them to go to the mosque to listen to good talks of admonition and to learn about religious matters, Allah has also made it necessary for her that if she chooses to go, she should not use perfume. al-Waanili then mentions that the women requested the Prophet to give special lessons for them, and he did so.

Of course, it is true that many Muslim women nowadays do not observe correct dress and/or behavioral codes, and it is not correct to allow them to come to the mosque in this state. Regarding the Prophet giving lessons to the women, Al-Waanilee quotes from Shaykh al-Qaasimee, who remarked that women today are surely in greater need of of admonition than those in the time of the Prophet, due to the prevalence among them of innovations, wrong practices, nonsensical and misled beliefs, disobedience to their husbands, and countless other evils; thus it is incumbent on the muslim leaders to establish lessons for the women in the mosque, with somebody at the door to ensure that men do not enter during this time.

This article has attempted to address some of the main issues regarding women and the mosque. I ask that Allah bring benefit by it, and grant us the sincerity to act only for His sake. And may Allah bless the prophet Muhammad, his Noble Household and Companions, and send peace upon them. In conclusion, I praise Allah, Lord of the Worlds.

Regulations of Clothing

1.0 Inside Salah

1.1 Its Obligation

Among the prerequisites of salah is covering one's nakedness. This obligation is established by the Qur'an, sunnah and consensus (*ijma`*).

From the Qur'an : Allah's words, (translated),

> "O Children of Adam! Wear your [apparel of] beauty in every place of prayer" [Qur'an 7:31]

i.e. that which covers your nakedness.

From the sunnah : the Prophet (upon him be blessings and peace) said,

> "Allah does not accept the salah of an adult woman (i.e. one who has reached puberty) except with a scarf."
> *[Narrated by :*
> ***Abu Dawud*** *(Book of Salah, "Chapter : A woman praying without a scarf", p. 101),*
> ***Tirmidhi*** *(who classified it as hasan in "Chapter : Allah does not accept the salah of an adult woman without a scarf", p. 50),*
> ***Ibn Majah*** *(Book of Menstruation, "Chapter : When a woman passes menstruation, she shall not pray except with a scarf", p. 48),*
> ***Al-Hakim*** *(who authenticated it in "Chapter : Allah does not accept the salah of an adult woman except with a scarf", vol. I, p. 251),*
> ***Bayhaqi*** *(vol. II, p. 233), and*
> ***Ibn Khuzaymah*** *(in his Sahih);*
> ***vide Bulugh al-Maram*** *# 221, Sahih Ibn Hibban (Book of Salah).]*

From consensus : Numerous scholars have reported consensus on the fact that covering the nakedness is a prerequisite for salah. [See Ibn al-Humam's Fath al-Qadir, vol I, p224 of al-Hidayah with its commentaries.]

1.2 For Men

The nakedness of a man is from below his navel upto (and including) the knee, because of the hadith :

On the authority of `Ata' ibn Yisar, on the authority of Abu Ayyub, who said : I heard the Messenger of Allah (may Allah bless him and grant him peace) say, "That which is above the knees is [part] of nakedness, and that which is below the navel is [part] of nakedness." [Narrated by : Daraqutni (p.85) and Bayhaqi (vol. II, p. 229).]

And, in part of a long hadith : On the authority of Siwar ibn Dawud, on the authority of `Amr ibn Shu`ayb, on the authority of his father, on the authority of his grandfather, that the Messenger of Allah (may Allah bless him and grant him peace) said, " . . . for that which is below the navel, upto the knee is [part] of nakedness." [Narrated by Daraqutni. Siwar ibn Dawud has been regarded as a mediocre narrator by `Uqayli, but as trustworthy by Ibn Ma`in and Ibn Hibban. Imam Ahmad said there is nothing wrong with him. The hadith is *hasan*, inshaAllah.]

It is clear that the navel is not part of the nakedness. However, the knee is included in the nakedness because:

i) A mentioned limit may either be included or excluded, but this matter is one of precaution, and so we rule that it is included.
ii) The knee is the intersection of a bone of the area of nakedness [i.e. the thigh] with another that is not [i.e. the shin], so that the lawful and the prohibited are combined therein and therefore cannot be differentiated. Further, if the knee is left uncovered, there is a danger of the thigh being exposed, and hence covering the knee can also be considered necessary to ensure covering of the thigh.
Strictly speaking, (ii) is really the reason that makes this matter one of precaution.
(iii) The hadith of Siwar ibn Dawud starts out by saying 'that which is below the navel,' which is an expression of generality (*sighat al-`umum*), indicating that everything below the navel, upto the feet, would be included. The next part of the statement, 'upto the knee' specifies the knee as the limit, and hence everything beneath the knee is excluded, but the knee itself remains included.
As for the hadith : On the authority of `Uqbah ibn `Alqamah, on the authority of `Ali, who said : the Messenger of Allah (may Allah bless him and grant him peace) said, "The knee is [part] of the nakedness."
[Narrated by Daraqutni]
it contains a weak narrator, and may not be used as a proof, although it may be used for substantiation.

1.2.1 : It is disliked for a man to pray with his shoulders bare, for the Prophet (may Allah bless him and grant him peace) has said,

"None of you must pray in a single garment of which no part comes over his shoulders." [Narrated by : Bukhari and Muslim; vide Bulugh al-Maram #223]

1.2.2 : It is forbidden for a man to keep his lower garment below his ankles out of arrogance, and severely disliked / close-forbidden (*makruh tahrimi*) to do so even without arrogance, for the Prophet (may Allah bless him and grant him peace) has said,
"Allah will not look, on the Day of Resurrection, at that man who lets his lower garment below the ankles out of arrogance." [Narrated by : Bukhari and Muslim; vide Riyad al-Salihin]

This is especially important during salah, for another hadith says,
"Allah does not accept the salah of a man who drags his lower garment." [Narrated by : Abu Dawud, with an isnad which is authentic according to the criteria of Muslim; vide Riyad al-Salihin]

1.3 For women

1.3.1 The entire body of the free-woman is nakedness, except for her face and hands.

" The woman is a nakedness, and so when she goes out, Satan raises his glance to her." [Narrated by : Tirmidhi, in the Chapter on Suckling, on the authority of Ibn Mas`ud (may Allah be pleased with him). He classified it as *hasan sahih gharib*. Also reported by Ibn Khuzaymah; vide Sahih Ibn HibbAn (3.66)]

A woman should not cover her face or hands while in *ihram*, based on the authentic narration by Tirmidhi prohibiting a woman in ihram from wearing a veil or gloves. Similarly, she should not cover her her face during salah, unless there are stranger-men around and a danger of fitnah. It may be noted that according to Imams Ahmad ibn Hanbal and Dawud al-Zahiri, the hands are a nakedness.

Evidently the head must be covered in salah. We have already quoted the hadith : "Allah does not accept the salah of an adult woman (i.e. one who has reached puberty) except with a scarf."

1.3.2 It is at least precautionary for a woman to cover the tops of her feet in salah. Umm Salamah, the wife of the Prophet (may Allah bless him and grant him peace), said, "A woman should pray in a shift that reaches down and covers the top of her feet." [Narrated by : Imam Malik in his Muwatta' (8.10.37), Abu Dawud ("Chapter : In how much should a woman pray", p. 101) and Bayhaqi (vol. II, p. 232).]

Scholars have differed regarding the feet of the woman : are they`awrah in salah, or outside salah, or both or neither? There are differences among the Hanafis themselves, and there exist three authentic opinions in the madhhab :

1) That the feet are nakedness

This is based on the direct implication of the hadith,
"When a girl reaches puberty, it is not appropriate that any of her should be seen, excepting her face, and her hands upto the wrists." [Narrated by : Abu Dawud; It is a *mursal* narration at the level of *hasan*.]

It is also strengthened by the narration that the Prophet (may Allah bless him and grant him peace) was asked, when he mentioned the prohibition of dragging the lower garment, about what women should do with the ends of their garments. He said, 'They should extend them a span.' Umm Salamah said, 'Then, their feet will be uncovered!' He said, 'Then, they should extend them a cubit, not exceeding that.' [Narrated by : Tirmidhi, who graded it as *hasan sahih*, Nasa'i and Abu Dawud, with the words, "then she will be uncovered."]

This opinion was presented as the madhhab of Abu Hanifah by al-Quduri in "Bidayat al-Mubtadi", and is also espoused by al-Jassas in "Ahkam al-Qur'an" and by Qadi-Khan. Similarly, in Sharh al-Aqta`, it is stated, "The authentic [opinion] is that it is `awrah, from the apparent [implication] of the report." [See al-Bunayah, vol. II, p. 63] Of the latter Hanafi scholars, al-Ghunaymi has inclined towards this view in "al-Lubab." The feet are also considered nakedness by Imams Malik, al-Shafi`i and Ahmad ibn Hanbal.

2) That they are not nakedness.

The argument for this is based on two points:

i. If the establishment of the nakedness is by the saying of Allah, the Exalted, (translated), "And let them not show their beauty, except that of it which is apparent," then the foot is not customarily a location of beauty (it may be for a minority, but regulations are set according to the general rule), and thus Allah, the Exalted, has said, (translated), "And let them not strike their feet in order to make known that adornment which they are hiding," i.e. the ringing of anklets, and this conveys that the feet themselves are of the beauty which is apparent. This is fortified by the fact that the Mother of the Believers, `A'ishah, said, commenting on the verse, (translated), "And let them not show their beauty except that of it which is apparent", "the toe-ring, a silver ring which is [placed] on the toes." [Narrated by Ibn Abi Hatim, as quoted by Ibn Taymiyyah in "Hijab al-Mar'ah", p. 17.]

ii. If the establishment is by the Prophet's saying, "The woman is to be covered," along with it being established that some of her body is excluded due to hardship of [avoiding] exposure, then, by analogy, it should necessitate that the feet also be excluded, due to the corroboration of hardship. This is because she would be put to hardship by her foot showing when she walked barefooted or with shoes, for she may not always find khuffs or socks with which to cover them. Along with this, desire is not aroused by looking at the foot such as is aroused by looking at the face, and so if the face is not `awrah, in spite of the plentiful arousal of desire, then the foot is more appropriate to remain uncovered in view of the hardship associated with covering it. [See "Fatḫ al-Qadir" : al-Hidayah with its commentaries, vol. I, p.225, and al-Bunayah, vol. II, p.63.]

This opinion has been reported by al-Hasan from Abu Hanifah. Al-Marghinani graded it as the more authentic opinion in "al-Hidayah", and Ibn al-Humam and al-`Ayni acknowledged this in their commentaries thereof. This view has been presented as the madhhab by latter *mutun*, such as "Nur al-Idah" and "al-Durr al-Mukhtar". al-Thanvi concluded in "I`la al-Sunan" that it is sounder from the point of rationale.

3) That they are nakedness outside salah, but not in salah.

Ibn `Abidin reported this as one of the authentic views in "Radd al-Muhtar".
It may be noted that Hafiz Ibn Taymiyyah, the Hanbali, also favored this opinion. He says, "And similar [is the case with] the foot. It is permissible for her to show it [in salah] according to Abu Hanifah, and [this] is the stronger [position], for `A'ishah considered it of the apparent beauty. . . . . So, this is an evidence that women used to show their feet initially, just as they used to show their faces and hands . . . . for they used not to walk in khuffs or shoes. [Moreover], to cover these in [salah] poses a great hardship, and Umm Salamah said, 'A woman should pray in an ample garment which covers the tops of her feet,' and so when she makes sajdah, the bottoms of her feet may show." [Hijab al-Mara'ah wa-Libasuha fi al-Salah, pp. 17-18]

Some scholars opined that the feet are not nakedness in that she is not required to cover them, but they are nakedness for the purposes of looking and touching, i.e. it is not permissible for stranger men to look at or touch her feet.

2.0 Outside Salah

2.1 Its obligation

It is obligatory upon every sane adult to cover his / her nakedness outside salah, from himself, as well as from others for whom it is not lawful to look at his nakedness. Excepted from this are cases of necessity, such as medical treatment, for which it is permissible for him/her to expose such portion of his/her nakedness as is necessary. Similarly, it is permissible for him to expose it for *istinja'*, bathing, answering the call of nature and the like if he is alone to the extent that nobody can see him. It is not permissible to look at the nakedness of a man or a woman, whether attached to the body or severed.

The Prophet (may Allah bless him and grant him peace) has said, "A man shall not look at the nakedness of [another] man, nor shall a woman look at the nakedness of [another] woman." [Narrated by : Muslim (in Kitab al-Hayd), Tirmidhi, who rated in *hasan gharib sahih*, Ibn Majah, Ahmad]

And, the Prophet (may Allah bless him and grant him peace) told Mu`awiyah ibn Haydah,
"Protect your nakedness [from all] except from your wife and your slaves."

. . . .
He said,
"How about if one of us is alone?"
The Prophet (may Allah bless him and grant him peace) replied,
"It is [even] more appropriate that modesty be shown for Allah than for people." [Narrated by : Abu Dawud, Tirmidhi, who graded it *hasan*, Ibn Majah, Ahmad]

2.2 For Men

The nakedness of the man outside salah is what is between his navel and his knees, based on the evidences we have already mentioned. It is permissible for other men or women to look at anything beyond that, provided there is immunity from temptation, although according to Imam Abu Hanifah, a woman may not look at a man's belly or back. [al-Hidayah] In any case, men should not leave their chests or backs exposed if there is a danger of their being seen by women and of *fitnah* ensuing subsequently.

The thigh is a nakedness, and hence Muslim men may not, in public, wear shorts which expose the thighs.
The Prophet (may Allah bless him and grant him peace) has said,
"Cover your thigh, for the thigh is [part] of the nakedness." [Narrated by : Tirmidhi, who graded it as *hasan*, and also by Abu Dawud, Ahmad, Malik and Ibn Hibban. Similar narrations are also narrated by Ahmad, and by Tabarani in "al-Mu`jam al-Kabir." Tirmidhi also narrated, "The thigh is a nakedness" and graded it *hasan gharib*. Bukhari quoted this as ta`liq.]

2.3 For Women

The fundament here is the words of Allah the Exalted, (translated),
"And let [the believing women] not reveal their beauty, except that of it which is apparent, and let them clasp their scarves over their bosoms. And, let them not reveal their beauty except to their husbands, or their fathers, or their husbands' fathers, or their sons, or their husbands' sons, or their brothers, or their brothers' sons, or their sisters' sons, or their women [i.e. Muslim women], or their slaves, or male servants free of desire, or children who have no sense of the shame of women's nakedness." [Qur'an, 24:31]

2.3.1 If she is in the presence of stranger-men (*ajnabiyy*, i.e. non-mahram men, viz. men other than her permanently-non-marriageable male relatives, such as father, brothers and sons.), or non-Muslim women, then her nakedness is all her body, except for her face and palms. This is also the view of Imam Malik, and one of the views of Imam al-Shafi`i. Ibn `Abbas said that the 'apparent beauty' referred to in Allah's saying, (translated),
"And let them not expose their beauty, except that of it which is apparent."
is antimony and a ring, (i.e. the face and the hands). [Narrated by : Tabari, Bayhaqi, Ibn Abi Shaybah, Abdur-Razzaq, Tahawi. It has a solid chain.]

And, we have already mentioned the hadith,
"When a girl reaches puberty, it is not appropriate that any of her should be seen, excepting her face, and her hands upto the wrists."

Thus, the hands and face are not nakedness, and it is lawful to look at them if one is immune from temptation. It is worth pointing out this does not grant a license for indiscriminate looking, for one will generally not know whether or not one will be allured by a woman's looks before one has looked at her. In fact, even accidental glances should be brought in check as soon as one realizes them, for the gaze is one of Iblis' poisoned arrows.
Jabir (may Allah be pleased with him) said, "I asked the Prophet (may Allah bless him and grant him peace) about an accidental look, and the he told me to avert my gaze." [Narrated by : Muslim]

It is not lawful to touch a woman's face or hands, even if one considers oneself secure from lust. [al-Hidayah]
"The hand of Allah's Messenger did not touch any woman's hand except the hand of that woman his right hand possessed." [Narrated by : Bukhari]

And, it is reported that Prophet (may Allah bless him and grant him peace) said,
"It is better for any of you that an iron spike be rammed into his head than that he should touch a woman who is not lawful to him." [Narrated by : Bayhaqi and Tabarani]

The head and hair must be covered, without any disagreement. There is *ijma`* (consensus) of the scholars on this, and hence any claim to the contrary is a bid`ah. That there is support for the *bid`ah* from a handful of contemporary individuals is of no consequence, because the ijma` was enacted prior to that, and also because of the clear evidences the dissenters have contradicted. Allah says, (translated), "And let [the believing women] not reveal their beauty, except that of it which is apparent, and let them clasp their scarves over their bosoms."

The application of this verse to covering the head is twofold:

i. Women are prohibited from revealing their beauty, and the hair is certainly a site of beauty. The exception from covering (viz. for that beauty which is apparent) does not apply to the head or hair, because of the lack of any evidence to indicate it. The phrase 'that which is apparent' is *mujmal (*not of well-defined import), and requires specification (*bayan*), which is provided in the hadith in the form of clarification that it refers to the hands and the face. No such specification exists to exclude covering of the head.

ii. Women are commanded to clasp their scarves over their bosoms, i.e. to cover their chests and necks with the scarves, in addition to the head - as opposed to merely covering the head while leaving the neck and chest exposed as was the practice of women of Jahiliyyah. [Narrated by Ibn Abi Hatim]

As for the claim that one could cover one's neck and chest, but leave the head exposed, this is inadmissible on at least two counts:

i. The word used in the verse is *khumur*, plural of *khimar*, which is a head covering. [Tafsir Ibn Kathir, Tafsir Ruh al-Ma`ani] If a piece of cloth is used for covering some other part of the body, it is not a head covering. Should it be contended that it is still, in essence, a head covering being put to another use, we shall respond that this is even further-removed from acceptability. Were it to be true, it suggests redundancy and vainness in the words of Allah, the Exalted, which is inadmissible without disagreement. If it be claimed that any type of covering can be called a *khimar*, we reply that :

   a. the verse talks not about '*khumur*' in general, but about 'their *khumur*', i.e. the women's *khumur*, and these are the scarves which they were wearing on their heads, and thus it is established that the *khimar* here is a scarf, and not merely some covering.

   b. one cannot look at the Qur'an in isolation; the sunnah must necessarily be consulted to explain, clarify and specify the Qur'an, and the sunnah clarifies that the head is part of the nakedness.

ii. It is against ijma`

2.3.2 When a woman is alone, or in the presence of Muslim women, her nakedness is that between her navel and her knees. In the presence of mahram men, she must, in addition, cover her belly and back. [al-Hidayah / Fath al-Qadir] The obligation of covering the back is understood from the legislation concerning *zihar* - a pagan custom in which a man would liken his wife's back to his mother's back to indicate that he no longer had desire for sexual relations her. The Qur'an condemns *zihar* and stipulates an atonement for it [Qur'an, 58:1-4]. This indicates that the wife's back cannot become like the mother's back, and hence that it is not permissible to look at one's mother's back. If the back is a nakedness in this regard, it is fitting, by analogy, that the belly also be. By further analogy, this regulation is extended to other mahram women.

2.3.3 The voice of the woman is not nakedness, because the wives of the Prophet (may Allah bless him and grant him peace) used to speak to the Companions, who used to listen to the regulations of the

religion from them. But, it is forbidden to listen to her voice if one fears temptation, even in recitation of the Qur'an. Allah has said, (translated), "So, do not be soft in speech [O women], lest he in whose heart is a disease should be moved with desire." [Qur'an, 33:32]

See : "Talking to the opposite sex" for more details.

2.3.4 A number of scholars have regarded the woman's entire body to be nakedness, without any exception outside of salah. This is one of the views reported from Imam Ahmad ibn Hanbal, and is the view of most of the latter Shafi`i scholars. They view the evidence we have cited as being abrogated, and cite other evidence in their favor, including the practice of the women of Madinah, who covered their entire bodies, with the exception of one or both eyes upon the descent of the verse, (translated), "O Prophet! Tell your wives, your daughters and the believing women to draw their *jalabib* (outer garments) over themselves." [Qur'an, 33:59]

Thus, it is at least recommended, and certainly more precautionary, for women to cover their faces, hands and feet also. The word used in the verse, *jalabib* (plural of *jilbab*), refers to an outer garment which covers the body completely, and so this is also an argument in favor of covering the face. Also indicating the covering of the face is the verse, (translated),
"And, when you ask them (the Wives of the Prophet) for something you need, then ask them from behind a veil; that is more pure for your hearts and for theirs." [Qur'an, 33:53]

The reasoning here is that if covering the face was a requirement for the Mothers of the Believers, whom Allah has purified [See Qur'an, 33:33], and who talked to the Companions, the best of generations, and that only on matters of religion, then it is more fitting and imperative that women beneath them in station should observe the same, espcially in times of greater moral decadence in society.

Even if the face is not considered a nakedness, it is obligatory to cover it if there is a danger of *fitnah*. [Radd al-Muhtar]

2.4 The `Awrah of a Child

Al-Thanvi provides the following iinformation :

2.4.1 A very small child has no `awrah [based on a hadith extracted by Bayhaqi. Hafiz al-Zayla`i has mentioned in Nasb al-Rayah that it is not strong. Mufti Muhammad Taqi al-`Uthmani, the editor of *I`la al-Sunan* mentions that its narrators are trustworthy, although there was some disagreement over one of them. In either case, if there is no authentic narration on a matter, many scholars take by even a weak narration.]

2.4.2 Then, when the child starts to have a sense of feeling/shame (which varies from one child to another; some suggested an age of 4 years), the `awrah is the front and back private parts.

2.4.3 The `awrah gradually increases with age (according to some) until the age of ten.

2.4.4 At the age of ten, it becomes the same as the `awrah of an adult.
This is to accustom the child to covering the `awrah, and is by analogy from the hadith about ordering children to perform salah when they are ten years old. It is not technically a fard on the child, but it is a fard on the parents to enforce it.

2.5 Further, General Regulations
In addition to covering the required parts of the body, the following should also be observed :

2.4.1 *The clothes should not be transparent*. The Prophet (may Allah bless him and grant him peace) said, "There are two categories of the inhabitants of Hell that I have not seen: People with whips like the tails of cows, with which they beat people, and women who are clothed yet naked, swaying, and moving out of Allah's religion; their heads are like an inclined camel's hump. They will not enter Heaven, nor smell its fragrance, though its fragrance can be smelt from such and such a distance." [Narrated by : Muslim, Ahmad, Malik.]

2.4.2 *The clothes should not be tight* to the extent that they reveal the shape of what they are supposed

to be covering.
It is reported that Usamah ibn Zaid was given a piece of *Qibtiyyah* cloth by the Prophet (may Allah bless him and grant him peace). Later, the Prophet asked Usamah why he was not wearing it. Usamah replied, "O Messenger of Allah! I gave it to my wife for a garment." The Prophet (may Allah bless him and grant him peace) said, "Tell her to make a lining for it, for I fear it may describe her frame." [Narrated by : Ahmad and Bazzar]

2.4.3 *The clothes should not be of those characteristic of the unbelievers*
"Whoever imitates a people is one of them." [Narrated by: Abu Dawud, Ahmad, Bukhari, Tabarani and Bazzar]

"And differ from the allies of Satan with all that you are able." [Narrated by : Tabarani]

2.4.4 *The clothing should not be characteristic of the opposite sex*
"The Messenger of Allah (may Allah bless him and grant him peace) cursed those among women who imitate men, and those among men who imitate women." [Narrated by : Bukhari]

2.4.5 *The clothing should not be worn for vanity or fame*

2.4.6 Men may not wear silk, gold or silver, with the exception of a silver ring.

2.4.7 Women's clothing should not be such as to attract undue attention to them, as with extremely bright colors.

References

Much of the text of this article has been adapted from the following two sources:

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2. "*Al-Fiqh `ala al-madhahib al-Arba`ah*" by `Abdu'r-Rahman al-Jaziri. Published by Dar al-Kutub al-`Ilmiyyah, Beirut, in 5 vols, 1988/1409.

Substantiating evidences and discussions were taken mainly from:

3. "*Fath al-Qadi̱r lil-`Ajiz al-Faqi̱r*", by Kamal al-Di̱n Ibn al-Humam; a commentary on al-Hidayah, and published with it.

4. "*I`la al-Sunan*" by Muhaddith Zafar Ahmad al-`Uthmani al-Thanvi; in the light of comments from Hakim al-Ummah Ashraf `Ali Thanvi; edited and annotated by Muhammad Taqi al-`Uthmani. Published by Manshurat Idarat al-Qur'an wa al-`Ulum al-Islamiyyah, Karachi, 22 vols in 18, 1994/1414.

Other references consulted include:

5. "*al-Lubab fi Sharh al-Kitab*" by Shaykh `Abd al-Ghaniyy al-Ghunaymi al-Maydani.

6. "*al-Bunayah fi Sharh al-Hidayah*" by Hafiz Badr al-Di̱n al-`Ayni

7. "*Nasb al-Rayah li-Ahadith al-Hidayah*," by Hafiz al-Zayla`i.

8. "*Hashiyat Radd al-Muhtar `ala al-Durr al-Mukhtar Sharh Tanwir al-Absar*", by `Allamah Ibn `Abidin.

9. "*Bulugh al-Maram min Adillat al-Ahkam*", by Hafiz Ibn Hajar al-`Asqalani.

10. "*Hijab al-Mar'ah wa-Libasuha fi al-Salah*," by Hafiz Ahmed ibn Taymiyyah

11. "Hijab" by Dr. Ismail Memon Madani (in English).

The Lawful and the Prohibited

The Lawful and the Prohibited

[See also : "Prohibition and Permission" from Mukhtasar al-Quduri]

Prelude

> **The Prophet (may Allah bless him and grant him peace) has said : Allah, the Mighty, the Majestic, has said :"Whoever adopts enmity towards one of My awliya' (sing waliyy : friend or ally), I announce war on him. My servant does not draw nearer to Me by anything more beloved to Me than that which I have made obligatory upon him. And, My servant continues to draw nearer to Me by [performing] superorgatory/extra deeds until I love him. Then, when I love him, I become his hearing by which he hears, his sight by which he sees, his hand by which he grasps, and his foot with which he walks. If he is to ask something of Me, I will surely give him, and if he is to seek refuge with Me, I will surely grant him refuge." [Bukhari]**

This hadith informs us that Allah has certain beloved people, who are called awliya. These people have a special status before Allah, such that their hearing, sight and limbs all become occupied with worship of Allah. Their supplications are readily answered, and Allah grants them protection when they seek it.

Naturally, this status of wilayah is one we would all like to attain, and the hadith indicates to us how we might do this. Firstly, one must perform all of the obligations (fard, wajib), which includes avoiding all of the prohibited deeds (haram). These are the first priority, and hence to neglect these while busying oneself with supererogatory deeds is clearly a delusion. We should beware of Satan who may make us busy ourselves with supererogatory good deeds, at the expense of forfeiting the obligations.

When one is performing all of the obligations and avoiding all of the prohibitions, then he may attempt to perform whatever he is capable of from among the optional/voluntary good deeds. Then, as one continues to draw closer to Allah in this manner, he may reach the status of wilayah mentioned earlier. The first priority, however, is to take care of performing the obligations and avoiding the prohibitions. One who is doing only this, is in fact superior to someone who is performing abundant supererogatory/optional good deeds, but at the same time persisting in some forbidden deeds.

The obligations and prohibitions in Islam are of various types and levels. The most important obligation, of course, is the correct faith (iman). Then, among the rites of worship, the most important is salah. Some obligations are intrinsically acts of worship (such as prayer and fasting). Others are not acts of worship in themselves, but rather lay down the guidelines for our behavior in certain situations we may encounter in our daily activities (such as eating, drinking, walking, etc.) What we want to do today is to remind ourselves of some orders and prohibitions of the latter category. However, before we start listing them, there are some general guidelines on the subject, which we should bear in mind.

1) The Right to Legislate is Allah's

The right to legislate - to declare things lawful or prohibited - belongs to Allah. It is not the prerogative of human beings to make their own choices binding. Hence, if one does not have knowledge about a matter, he should not hastily declare it to be one way or the other.

> **"And do not say, concerning that which your tongues put forth falsely, ‘This is lawful and this is prohibited,’ so as to invent lies against Allah. Verily, those who invent lies against Allah will not succeed." [Qur’an, 16:116]**

To knowingly infringe upon that right is major shirk.

> **"They took their rabbis/priests and monks, as lords besides Allah." [Qur’an, 9:31]**

In a hadith, it is clarified that the corrupt priests/rabbis and monks of earlier nations "prohibited the permissible [the people], and legitimized the prohibited for them, and [the people] followed them, and so that was [the people’s] worship of them." [Ahmad, Tirmidhi]

So, once it has become clear that Allah or the Prophet have forbidden something, no-one has the right to declare

that thing lawful. Similarly, no-one has the right to declare prohibited that which Allah and the Prophet have declared permissible.

2) Everything is Permissible Except that which Has Been Explicitly Prohibited

We should realize that the permissible things are much more than the prohibited. In fact, the preferred view among the scholars of usul is that the general rule (with a couple of exceptions : sexual intercourse and meat, as we mention later on) is that things are permissible, and that the prohibited things are those which are excepted from this general rule through explicit mention of prohibition in the Qur'an or hadith.

> **"[Allah] is Who has created for you all of that which is upon the earth." [Qur'an, 2:29]**

> **"Say : Who has prohibited the adornment [created by] Allah which He has brought forth for His servants, and the wholesome things of sustenance? Say : They are for those who believe in this world, [and] exlcusively [for them] on the Day of Resurrection." [Qur'an, 7:32]**

> **"....He has detailed to you what He has prohibited for you...." [Qur'an, 6:119]**

It should be noted, however, that in matters of `ibadat (ritual worship), the reverse is the case; i.e. one may not claim something to be a form of `ibadah unless it has been specified as such in the Qur'an or Sunnah.

3) It is in our interest to obey Allah

Allah does not seek to make our lives miserable. Nor is there any benefit or harm to Him in our observing His laws. Rather, we should realize that if Allah or the Prophet have ordered or prohibited something, then there is some underlying wisdom to that injunction, such that it is to our own benefit to obey it. In some cases (e.g. prohibition of wine and adultery) at least some of the wisdom may be clear; in other cases, it may not be as apparent. But, once we know that something is ordered by Allah or the Prophet, then we will have no hesitation in following it, for Allah's knowledge is greater than ours, and all-encompassing.

> **"[Allah] has not placed upon you any hardship in religion." [Qur'an]**

> **"Allah desires to make light [your load]. And mankind was created weak." [Qur'an, 4:28]**

4) In the Halal (Permissible) there is Sufficiency from the Haram (Prohibited)

For virtually every need which we have, there is a legitimate, as well as an illegitimate form of fulfilling it. For example, Allah has prohibited adultery, but permitted marriage. He has prohibited interest and usury, but has allowed all types of legitimate and fair trade. As we said, the laws are not to make our lives miserable. Rather, we have the choice between fulfilling our needs in conformance with the laws, or in violation of them.

5) This World is a Place of Testing

Although there is a halal alternative to virtually every haram, that is not to say that it will always be just as easy to obey the divine commandments. But, we know that this world is a place of testing for us, and if there were no inclination or impetus to commit evil, the true sense of testing would not be realized. So, observing the laws might sometimes seem to cause loss of some benefit or enjoyment. But, in such cases, we should realize that

that benefit is temporal and worldly, and the pelasures of Heaven far surpass it. Furthermore, we know that even worldly success and prosperity cannot be achieved without some degree of effort and sacrifice, and hence it is unreasonable to expect to achieve Paradise without any struggle against one's lower desires. The difference between the conduct of the believer and that of the unbeliever is that the former will live his life in conformance with the guidelines of Islam, whereas the latter will try to maximize his enjoyment without regard to true faith, religious scruples, ethics and morality.

> "Those who reject faith enjoy themselves, and eat as the cattle eat, and the Fire shall be an abode for them." [Qur'an, 47:12]

> "The world is the prison of the believer, and the heaven of the unbeliever." [Muslim, Tirmidhi, Ibn Majah, Ahmad]

> "Hell is veiled by desires/lusts, and Heaven is veiled by difficulties." [Riyad al-Salihin]

> " . . . . Indeed, the merchandise of Allah is expensive! Indeed, the merchandise of Allah is Heaven!." [Tirmidhi, who graded it hasan gharib]

6) There are Degrees of Order and Prohibitions

As we have already mentioned, there are various levels of orders and prohibitions, and it is important to keep in mind and to respect these priorities. Yes, a Muslim should not adopt a complacent and nonchalant attitude, whereby he pays attention, for example, only to the major orders and avoidance of the major sins, while at the same time being heedless of minor sins. The individual should always be trying to increase his obedience to Allah, and to give up any sins he may be committing, and not to heedlessly think that the sins he is committing are only relatively minor. Ibn al-Jawzi says,

> "The human keeps telling his soul to swerve away from evil and to approach good. However, this is merely a [vain] promise, and there is no doubt that it is merely hope. This kind of person walks without effort during the day. One who hopes to awaken the next morning will hardly work at night. Whoever pictures death as imminent works hard.
> The parable of the person who acts upon his determined intent and the person who is comfortable with the promise of hope is like the parable of a group of people on a journey. They enter a city, and the determined one buys what he needs to complete his journey. Afterwards, he sits ready for the departure. As for the neglectful, he says to himself: We might stay here a month, so I'll get ready for that. In that state of affairs, the horn announcing departure is blown. The one who stored things away for his time of need is happy; the procrastinating, neglectful one is dark with anger and frustration." [from Talbis Iblis (The Devil's Delusion), by Ibn al-Jawzi]

Nevertheless, the issue of priorities may in some scenarios come into play. For example, when advising others, who may not be as religiously observant as oneself, the priorities should be observed. For example, a man may be listening to haram music, wearing gold jewelry, and not performing the obligatory prayers. These are all sins, but to confront him with all of them at once, and expect him to give them all up immediately, may not be feasible. Hence, one may start, for example, by encouraging him to perform the obligatory salah, and then gradually progress, depending on the precise circumstances and the nature of the person.

7) Good Deeds Remove Evil Deeds

After having mentioned all of this, it may also be noted that if one has not yet managed to detach oneself from a sin, then he should endeavor to do more good deeds, in the hope that this may help wipe out the sin. Similarly, for sins committed in the past, one should try to do good deeds to obliterate the effects of the sins. A man told the Prophet (may Allah bless him and grant him peace) that he had kissed a woman. The Prophet (may Allah bless him and his Household and grant them peace) recited to him, (the words of the Qur'an meaning), "And establish salah at the two ends of the day, and in some hours of the night. Indeed, good deeds remove evil

deeds." [Qur'an, 11:114] The man asked, "Is it for me?" The Prophet (may Allah bless him and his Household and grant them peace) said, "It is for all my followers." [Bukhari] However, as we have pointed out, this should not be taken as a substitute for repenting from ongoing sins. It is merely a temporary measure - a 'patch', or an expiation for the past after having repented from a sin. One should not fall complacently into committing sins, thinking that they will be erased by subsequent good deeds. Certainly, one would not deliberately damage his car, thinking that he can always repair it later; to adopt such an approach would soon weaken the car and perhaps eventually destroy it.

We proceed now to mention some specific prohibitions which apply to situations we may encounter in our daily activities.

CLOTHING

Covering the `awrah *[For further details, see: Regulations of Clothing]*

We know that the `awrah (nakedness) of the man is from the navel to the knees, and for the women all of the body, except that most scholars excluded the hands and the face, and some excluded the feet. Hence, these parts must be covered during prayer and when in the presence of non-mahrams. [A mahram is a permanently unmarriegable relative, e.g. for a man, his sister, mother, daughter, etc.] If leaving any of the rest of the body (such as the back or chest of a man, or the face of a woman) is going to cause fitnah in the presence of the opposite sex, then that also should be covered. Furthermore, the clothing should not be so tight or transparent as to reveal that which it is supposed to be covering. It should not be worn for the sake of vanity, nor to resemble the unbelievers or sinners, nor to resemble the opposite sex.

As the weather gets warmer, we should pay attention to these rules, such that we do not uncover those parts which may not be revealed. It is not allowed, for example, for men to wear shorts which expose the thighs. One prophetic recommendation which may be particularly useful in hot weather is the recommendation to wear white clothing; this can help to repel the heat.

> "Wear white among your clothes, for they are of the best of your clothes, and shroud your dead in them." [Tirmidhi (hasan sahih), Abu Dawud, Ibn Majah, Ahmad]

Looking and Touching

"Tell the believing men that they should lower their gazes and protect their chastities. That is purer for them. Indeed, Allah knows what they do.

> And tell the believing women that they should lower their gazes and protect their chastities, and that they should not reveal their beauty except that of it which is apparent, and that they should draw their scarves over their bosoms." [Qur'an, 24:30-31]

It is not permissible for a man to look at a stranger-woman with lust. If one is free from lust and arousal, he may look at her face and hands according to a minority of scholars. But, in any case, there is no license for indiscriminate looking, for one will generally not know before looking whether or not one is going to be aroused.

Jabir asked the Prophet (may Allah bless him and his Household and grant them peace) about an unintentional look, and he was told to turn his gaze away. [Muslim]

The Prophet told another Companion, not to follow the first (unintentional) look with a second (deliberate) look, for the first one is excused, but the second is not. If one's eyes unintentionally fall on a member of the opposite sex, one should stop looking as soon as one realizes it, and should neither continue looking nor look again deliberately, for the gaze is one of the poisoned arrows of Satan. Looking is described in a hadith of al-Bukhari as fornication of the eyes. Similarly, touching is fornication of the hands. Al-Bukhari has narrated that the hand of the Prophet (peace and blessings be upon him and his Household) never touched the hand of a woman not lawful

to him.

Under exceptional cases, it is permissible to look intentionally at the face and hands of a woman, even if one fear lust, except that he must try to restrain the lust as much as possible. These special cases are:

- For a doctor who needs to look at `awrah of a patient for medical reasons. Ideally, one should consult a Muslim doctor of the same sex. However, if one is forced to go to a non-Muslim doctor, or to one of the opposite sex, then as little as possible of the `awrah should be revealed.
- For a judge who needs to pass a verdict on a woman, or a witness who wishes to testify regarding her.
- For a suitor who is seriously considering marrying a woman; he may look at her face and hands to help make up his mind. But, once he has made up his mind, he may not look.

A man may look at his mahram female relatives' face, head, chest, shins and arms, but according to the Hanafis he may not look at their back or belly. A man may look at all of the body of another man except for that which is between his navel and his knees. A Muslim woman may look at all of the body of another Muslim woman, except for the area between the navel and the knees.

> "A man shall not look at the nakedness of [another] man, nor shall a woman look at the nakedness of [another] woman." [Muslim]

According to the majority of jurists, a Muslim woman should not reveal, in the presence of a non-Muslim woman - and similarly before a morally corrupt Muslim woman - anything more than what she would reveal to a stranger man, for there is a danger of their describing what they have seen to men. The Hanbalis differed in considering the regulations to be identical for Muslim and non-Muslim women. Some Malikis took an intermediate stance, allowing some concessions in front of close females from whom mischief is not expected.

Prohibited Types of Garments

There are also certain restrictions on the types of materials that may be worn.

> Men may not generally wear silk. The prohibition applies whether the silk is touching the body or not. The notion that it is only prohibited if it touches the skin is not credible, and is unaccepted. [As mentioned by Ibn `Abidin in "Radd al-Muhtar"]

> "Wearing silk and gold have been prohibited for the males of my ummah, but are permissible for the females among them." [Tirmidhi (hasan sahih), Nasaʾi; Similar narrations have been recorded by Abu Dawud, Ibn Majah, Ahmad. Bukhari and Muslim have also narrated the prohibition of silk.]

> `Umar ibn al-Khattab saw a silken garment and said to the Prophet (may Allah bless him and grant him peace), "I wish you would buy this, so that you wear it before people on the day of Jumu`ah, and for delegations when they come to you!" But the Messenger of Allah (may Allah bless him and grant him peace) said, "Only he wears this who has no share in the Hereafter." [Muslim]

Concessions to wear silk exist for

small silken badges of a couple of fingersʾ width

> `Umar ibn al-Khattab said, "The Messenger of Allah (may Allah bless him and grant him peace) forbade the wearing of silk, except for the area of two fingers, or three, or four." [Muslim]

brocade in which the warp is of silk and the weft of cotton or some other fabric.

Ibn `Abbas said, "The Messenger of Allah (may Allah bless him and grant him peace) only prohibited the wearing of a garment of uniform silk. As for a silken badge, or the warp of a garment, there is no objection to it." [Abu Dawud]

one who has a skin disorder like scabies, in which wearing any other fabric is harmful.

`Abdur-Rahman ibn `Awf and al-Zubayr complained to the Messenger of Allah (may Allah bless him and grant him peace), meaning about lice, and so allowed them a dispensation for [wearing] silk." [Bukhari]

Jewelry

Men may not wear gold, as we have seen. Similarly, they may not wear silver, except for a single ring of silver. There is also no objection to silver decorations on a sword or belt, and to silver (or even gold according to some jurists) being used to fill or replace a tooth if there is no other alternative.

Rings of gold are clearly prohibited for men.
"The Prophet forbade the wearing of a gold ring." [Bukhari]

And, another hadith narrated by Muslim tells us that the Prophet (may Allah bless him and his Household and grant them peace) saw a man wearing a gold ring, and therefore pulled it off and threw it down. Later, people suggested to the man to pick up the ring, and perhaps sell it, but he said, "No, by Allah! I will never pick it up after the Messenger of Allah has thrown it down."

Rings of brass, iron and the like are also prohibited.

"A man came to the Messenger of Allah (may Allah bless him and grant him peace) wearing an iron ring, whereupon he said to him, "Why is it that I see upon you the jewellery of the People of the Fire?" So, [the man] discarded it, and then came to him with a ring of brass, whereupon he said to him, "Why is it that I find the odor of idols from you?" So, he discarded it and said, "O Messenger of Allah! Of what should I take a ring?" He said, "Of silver, and do not make it [any more than] a mithqal [in weight]." [Nasa'i, Ibn Hibban; there is some disagreement about its chain of narration, but the same story has been narrated with different wordings through other channels by Ahmad, Tahawi and others.]

Vessels

It is prohibited for both men and women to use utensils of gold or silver. Jurists have excepted from this utensils which are merely plated with gold or silver such that no gold or silver could actually be recovered by melting down the item. Similarly, some allowed vessels which have soem gold or silver doecoration, on condition that one does not touch any of the gold or silver (with one's hand, mouth, etc.).

"Do not drink from vessels of gold and silver, nor wear brocade or silk, for it is for them [i.e. the unbelievers] in the world, and it is for you in the Hereafter and on the Day of Resurrection." [Muslim]

FOOD

We have talked about some general regulations related to the lawful and prohibited, and have also mentioned, last time, the status of wilayah; a rank which we would all like to attain. We have up to now discussed some guidelines related to our daily activities, and now let us proceed to discuss food.

The importance of consuming only Halal food is indicated by the following hadith:

> "Indeed, Allah is good, and accepts only good. And, indeed, Allah has commanded the believers with that with which He commanded the messengers. He says, (translated) "O Messengers! Eat of that which is good, and do work righteousness." and He says, (translated), "O you who believe! Eat of the good things with which We have provided you.") Then, he mentioned a man who undertakes a long journey, dusty and disheveled, raising his hands to the sky [saying] 'My Lord! My Lord!' Yet, his food is Haram, his drink is Haram, his clothing is Haram, and [in fact] he is nourished on Haram, so how then can such a one be responded to?" [Muslim]

If our food, drink, clothing and lifestyle are Haram, how can we hope for our supplications to be answered?

We mentioned last time that the general rule regarding worldly things is that of permissibility unless and until prohibition is known, but that there are a couple of exceptions. These exceptions are: meat and sexual intercourse. So, if one comes across a woman on a dark night, and cannot identify her, he may not assume that it is his wife and behave with her accordingly. Similarly, if one finds some unidentified meat, he may not assume that perhaps it is beef and perhaps it was slaughtered correctly, unless and until he identifies its source. This is because meat and marital relations are by default, prohibited; one may not have marital relations with all and sundry, nor may one eat a live animal. They only become permissible by specific procedures (appropriate slaughter and a valid marriage contract, respectively), such that if there is doubt as to whether that procedure has occurred, the default ruling of prohibition remains in effect.

Hence, we may divide food into two categories : meat, and other foods. For foods other than meat, the default rule of permissibility applies. So, if one encounters a fruit or vegetable that one has never seen before nor is aware of its name, then one may eat it as long as it has not been proven to be harmful. Hence, exotic fruits and the like are generally permissible, whereas smoking tobacco is not.

As for meat, there are essentially five regulations which must be satisfied (with some disagreement over some of them, as we shall mention) in order for it to be Halal:

1) The identity of the animal

The animal itself should be of a species which is not prohibited to eat. Again, the default rule of permissibility applies in as far identifying lawful species. The flesh of all animals whose meat is not harmful is lawful to consume, except for those which have been specifically prohibited in the Qur'an or Sunnah. They are:

a) The Pig

> "Say: I do not find, in that which has been revealed to me, anything to be prohibited for the consumer to eat, unless it be carrion, or flowing blood, or the flesh of the pig for it [i.e. the pig] is unclean, or abomination which has been dedicated to other than Allah. But, whoever is forced [by starvation], being neither rebellious nor transgressing, then indeed your Lord is Most-Forgiving, Most-Merciful." [Qur'an, 6:145]

Hence, the pig is unclean, and it is not lawful to consume its flesh, nor to consume any other part of its body (such as its fat).

b) Predatory animals and birds

The Messenger of Allah (peace and blessings be upon him) prohibited the eating of every fanged beast of prey, and every taloned [predatory] bird." [Narrated by Muslim and others]

c) Domesticated Donkeys

Bukhari and others have narrated that the Prophet (peace and blessings upon him) prohibited the flesh of domesticated donkeys. Similarly, mule flesh should not be eaten. There is disagreement over horse-flesh. Abu Hanifah and Malik (and Ibn `Abbas before them) considered it disliked or prohibited. Other scholars considered it permissible. The disagreement arises because there are narrations that state that the Companions ate horse-flesh, and others that it is not permissible, such that they disagreed over which reports are more authentic, and which abrogates the other.

d) Vermin

According to the majority of scholars, vermin - such as rats, snakes and scorpions, are prohibited. If they are poisonous such that eating them would be harmful, then they are prohibited unanimously.

> **Allah's Messenger said, "It is not sinful of a person in the state of Ihram to kill any of these five animals: The scorpion, the rat, the rabid dog, the crow and the kite." [Bukhari]**

In addition to their being pests, these creatures are also generally loathed by people and considered repulsive. And, the Qur'an tells us that the Prophet (peace and blessings upon him) is "the unlettered Messenger Prophet, whom they find written with them in the Torah and the Injeel (revelation given to Jesus(peace be upon him). He enjoins the right upon them, and forbids them from the wrong, and makes lawful for them the wholesome and prohibits for them the foul, and he releases them from them their burden and from the shackles which were upon them. So, those who believe in him and honor him and support him, they are the successful ones." [Qur'an, 7:157]

Some Hanafi scholars also considered the lizard impermissible, but the Shafi`is consider it lawful.

e) Certain sea-creatures (according to some scholars)

> **"Lawful to you is the game of the sea and its food, as a provision for you." [Qur'an, 5:96]**

Based on this verse, and on the hadith:

> **"Its water is purifying and its carrion is lawful." [Ibn Majah, Ibn Hibban, Daraqutni, Ahmad, al-Hakim]**

some scholars, such as Imam Malik, considered all sea creatures to be lawful. The Hanafis, however, maintain that the permissibility of sea creatures is not absolute. According to a hadith, a doctor asked the Prophet (peace and blessings upon him) about using the frog in medicine, but that the Prophet (peace and blessings upon him) forbade killing it [Abu Dawud, Nasa'i, al-Hakim]. This indicates that not all aquatic creatures are lawful. They deduce further that it is specified by the hadith, "Two carrions have been made lawful to us, and two bloods. The two carrions are fish and locusts, and the two bloods are the liver and the spleen." [Ibn Majah, Ahmad, Daraqutni, Bayhaqi] Hence, the Hanafis regard as impermissible any aquatic creature which is not termed a fish. There is some disagreement among them as to whether the shrimp is considered a fish.

There is agreement that lawful sea-creatures may be eaten without slaughter. There is disagreement, however, about fish which die a natural death (e.g. those that are found floating dead on the water). The Hanafis prohibit them, while the majority do not.

2) The identity of the slaughterer

The slaughterer should ideally be a Muslim. However, there is a concession to eat also the meat slaughtered by People of the Book (i.e. Jews and Christians), provided the other conditions for slaughter are satisfied.

> **"This day are the wholesome things made lawful for you. The food of those who were given the scripture is made lawful for you, and your food is lawful for them." [Qur'an, 5:5]**

Ibn `Abbas said : it means their slaughtered animals.

Although it has been suggested that today's Christians do not qualify, due to their belief in trinity, the sounder opinion appears to be that this is not a consideration for this particular issue. The belief in trinity is condemned in the Qur'an itself, indicating that it was present among them even at the time of the Prophet Muhammad (peace and blessings be upon him and his Household), and that the concession was in spite of it. Yes, if the Christian invokes over the meat the name of Jesus (peace be upon him) or anyone else besides Allah, or violates any other of the conditions for slaughter, then it should not be eaten.

According to Imam al-Shafi`i, not every Jew or Christian qualifies for the concession. He considered that only those qualify whose parents and ancestors, back to the time of the Prophet Muhammad (peace and blessings be upon him) , were Jewish or Christian. Otherwise they would not be of those who were given the Book, for since then the previous scriptures have been abrogated.

Meat slaughtered by people of any other religion than these, such as Zoroastrians, Hindus, Buddhists, etc., is not lawful to consume, regardless of how it was slaughtered. Hence, if it were to be determined that the other conditions were being fulfilled in regular (non-Muslim) slaughter-houses, one would have to ascertain whether or not the slaughterers who work there are overwhelmingly People of the Book. If there is a significant percentage of people of other (or no) religions then this would introduce a reasonable enough doubt to require abstaining from the meat, in accordance with the principle that if Halal and Haram become mixed in finite quantities, then the overall verdict is one of prohibition.

3) The implement used for slaughter

The animal should be killed with a sharp implement which causes the blood to flow out.

> **The Prophet said, "Use whatever causes blood to flow, and eat the animals if the name of Allah has been mentioned on slaughtering them. Do not slaughter with teeth or fingernails…." [Bukhari]**

Narrated Shaddad ibn Aws: "Two are the things which I remember Allah's Messenger (peace be upon him) having said: Verily Allah has prescribed goodness for everything; so when you kill, kill in a good way and when you slaughter, slaughter in a good way. So every one of you should sharpen his knife, and let the slaughtered animal die comfortably." [Muslim]

4) The method of killing

The animal should be killed by cutting the throat. There are four vessels which should be cut : the oesophagus (food-pipe), the trachea (wind-pipe) and the two jugular veins. According to the Hanafi school, at least three of these must be cut. According to Imam Malik, the two jugular veins and the trachea have to be cut. According to the Shafi`is the oesophagus and trachea have to be cut.

The Qur'an lists various types of deaths that make the animal's meat unlawful.

> **"Prohibited are you are carrion (unslaughtered animals), [flowing] blood, swine-flesh, that which has been slaughtered for other than Allah, that which has been killed by strangulation, or by a blow, or by a fall, or by the goring of horns, and that which has been [partly] eaten by a wild animal - unless you are able to slaughter it before its death." [Qur'an, 5:3]**

Hence, animals killed by strangulation, or electric shock, or other such means, should not be eaten.

5) Mention of the name of Allah at the time of slaughter

The name of Allah should be recited at the time of slaughter. It is only fitting that we recognize that the animal has been created and given life by Allah, and that we are only entitled to take its life by the permission of Allah.

> **"Do not eat of that on which the name of Allah has not been mentioned." [Qur'an, 6:121]**

Based on the above verse, the majority of scholars have ruled that it is obligatory for a Muslim to mention the name of Allah at the time of slaughter, and that if he deliberately omits it, the resulting meat is carrion and unlawful to consume. If one was intending to say it, but forgot to, then according to the majority the meat is

lawful, for forgetfulness is excused in such a case. As far as the slaughter of Jews or Christians, the Hanafis and Hanbalis made no distinction in the requirement, due to the generality of the evidences. The Malikis, however, do not stipulate the requirement of mentioning the name of Allah for slaughter by a Jew or Christian.

According to the Shafi`is, mentioning the name of Allah is recommended, but not required, for slaughter by Muslims, as well as for those by People of the Book (although, naturally, the other conditions still have to be satisfied for the meat to be halal). Imam al-Shafi`i's view is that the prohibition mentioned in the Qur'an is of that on which something other than the name of Allah has been recited, not of that on which nothing has been recited.

> **"A group of people said to the Prophet, "Some people bring us meat and we do not know whether they have mentioned Allah's Name or not on the slaughter of the animal." He said, "Mention Allah's Name on it and eat." Those people had embraced Islam recently." [Bukhari, Malik, Abu Dawud]**

Imam al-Shafi`i reasoned that if those people had mentioned the names of idols, then mentioning the name of Allah at the time of eating would not make the meat halal. And, if mentioning the name of Allah at the time of slaughter had been essential, then mentioning it at the time of eating would not suffice. Hence, the Shafi`is conclude that mention of the name of Allah at the time of slaughter is recommended, but not required.

The majority provide a number of responses to the hadith above:

1. **The people in the hadith were Muslims, and with a Muslim one generally assumes that he is doing things correctly. [I`la al-Sunan] For example, we will pray behind an imam, assuming he has wudu', even if we did not actually see him perform wudu', since he assume the best of him and have no grounds for suspicion.**

2. **It could be postulated - as has been done by the Hanafis - that the hadith is an evidence that mentioning the name of Allah is waived from someone who is unaware of the obligation (due to being new to Islam), just as it is waived from the forgetful one. [al-Bunayah]**

3. **Imam Malik has a different interpretation. He states, after narrating this hadith in his Muwatta', "That was in the beginning of Islam". i.e. he considered that the concession was later cancelled.**

4. **Furthermore, the hadith is actually an evidence in favor of the majority, for the fact that the Companions asked about this situation indicates that they considered mention of the name of Allah over slaughter to be required.**

Also in favor of the majority view, that mention of the name of Allah is a requirement, is other evidence, such as the following hadith:

> **`Adiyy ibn Hatim said, "Sometimes I send my dog for hunting and find another dog with it. The Prophet said, "Do not eat the game for you have mentioned Allah's name only on sending your dog and not the other dog." [Bukhari]**
>
> **"Use whatever causes blood to flow, and eat the animals if the name of Allah has been mentioned on slaughtering them." [Bukhari]**

Even Imam al-Ghazzali - a prominent imam in the Shafi`i school - has stated that the position of the majority is very strong, and that even a Shafi`i is strongly advised to follow it.

Avoiding Doubtful Things *[See : Avoiding Doubtful Things for further details]*

Clearly, there are going to be cases where meat is unquestionably halal (such as if one slaughtered it himself, or if he bought it from a trustworthy, upright Muslim butcher). There will be other cases where it is clearly haram, and yet others where the verdict may be unclear, or scholars may disagree on it. To cases of uncertainty - be they regarding meat or any other matter - we may apply the hadith, "Leave that which makes you doubt for that which does not make you doubt." [Tirmidhi, Nasa'i] It should also be stressed that the mere fact that we have

quoted the views of different scholars for various issues above does not at all give one a license to indiscriminately choose whatever one desires or finds easiest from among those views. To adopt such a course is actually pursuit one's desires and whims, and hence is prohibited by the consensus of all scholars.
"And do not follow desire lest it mislead you from the Path of Allah." [Qur'an, 38:]

On the subject of doubtful things, we may also mention here the following hadith,

> **"That which is lawful is plain and that which is unlawful is plain and between the two of them are doubtful matters about which not many people know. Thus he who avoids doubtful matters clears himself in regard to his religion and his honor, but he who falls into doubtful matters falls into that which is unlawful, like the shepherd who pastures around a sanctuary, all but grazing therein. Verily, every king has a sanctuary, and truly Allah's sanctuary is His prohibitions. Verily, in the body there is a morsel of flesh which, if it be whole, all the body is whole and which, if it be diseased, all of it is diseased. Verily, it is the heart." [Bukhari and Muslim]**

Doubtful Things (Shubuhat)

Doubtful Things (*Shubuhat*)

summarized from "*Mukhtasar Minhaj al-Qasideen*"

(being Ibn Qudamah's abridgement of Ibn al-Jawzi's summary of al-Ghazzali's "*Ihya' `Ulum al-Deen*")

"That which is lawful is plain and that which is unlawful is plain and between the two of them are doubtful matters about which not many people know. Thus he who avoids doubtful matters clears himself in regard to his religion and his honor, but he who falls into doubtful matters falls into that which is unlawful, like the shepherd who pastures around a sanctuary, all but grazing therein. Truly every king has a sanctuary, and truly Allah's sanctuary is His prohibitions. Truly in the body there is a morsel of flesh which, if it be whole, all the body is whole and which, if it be diseased, all of it is diseased. Truly it is the heart." [Bukhari and Muslim]

The clear halal is that which has no element of haram, such as rain water which is falling on one's own property.

The clear haram is that which has some haram element, be it in substance (such as pork, or eating in gold vessels) or in manner of acquisition (such as *riba*, or a bribe).

The doubtful is that which is between these, and we can discuss it under the following three sections :

A. WHERE THERE IS DOUBT WHETHER THERE HAS OCCURRED A PROCEDURE WHICH RENDERS THE PERMISSIBLE IMPERMISSIBLE, OR VICE-VERSA

There are four cases:

1) That the original prohibition is known, and then doubt ensues as to whether the procedure for rendering permissible has occurred.

e.g. A hunter wounds an animal, which he later finds dead in the water, such that he is unsure whether it died from the wound or from drowning.
It is obligatory to keep away from this category of uncertainty.

2) That the original permissiblity is known, and then doubt ensues as

to whether some process rendering it haram has occurred.

e.g. One man says that if the next bird to fly past is a crow, then his wife is divorced, and another man says that if it is a raven then his wife is divorced. Then, a bird flies past, but its identity cannot be determined. In this case, neither of the wives are divorced.

It is precautonary to abstain from things in this category of uncertainty.

3) That the default prohibition is known, but reasonable conjecture suggests that the process of rendering halal has occurred.

e.g. A hunter wounds an animal, and then later catches up to it, to find it dead, with no mark on it other than the wound he inflicted.
The apparent status of this category is that of permissibility.

4) That the original permissibility is known, but reasonable conjecture suggests that a process of rendering haram has occurred.

e.g. there are two containers of water; if one arrives at the conclusion that the water of one of the containers is unclean, based on certain indications that one sees in it, then it is not permissible to use that water for drinking, nor for wudu'.

B. DISPERSION OF HALAL AMONGST HARAM

There are three cases:

1) Where a finite quantity of haram has become mixed with a finite quantity of halal.

e.g. a single dead animal (or a finite number of dead animals) becomes mixed amongst a finite number of correctly-slaughtered animals.

It is obligatory to abstain from them all.

2) Where a finite quantity of haram has become mixed with a non-finite (i.e. extremely large) quantity of halal.

e.g. someone who was separated from his sister at birth, such that he does not know her, although they continue to live in the same large city.
In this case, he is not required to abstain from marrying a woman from the same city, for that would pose a hardship.

A claim of precaution in such a case is a false misgiving.

3) Where a non-finite (i.e. very large) quantity of haram has become mixed with a non-finite (very large) quantity of halal.

e.g. as is the case nowadays, when money from riba, bribery, etc is in wide circulation in the market.

In this case, it is not prohibited to partake of something of the entire quantity, unless there is some indication that this particular amount or

portion is from the haram. Otherwise, to abstain from it is precautionary, but not forbidden.

C. ASKING

The only valid motivation for asking someone about the source of what s/he is presenting to you is the existence of some suspicion about it. This may occur in one of two ways:

1) There is something suspicious about the person

e.g. his appearance is unquestionably that of a criminal, or he is wearing the uniform of an oppressive army.

In the absence of any such indication, it is neither obligatory nor even permissible to ask him, because it would involve distressing a Muslim without basis. Nevertheless, to abstain (without asking) is precautionary.

2) There is something suspicious about that which you are being given

e.g. if it is known that some stolen goods have found themselves into the market.

In this case, it is not obligatory for buyers to ask about the source of the merchandise, unless it transpires that the majority (of that available in the market) is haram. Otherwise, abstention is precautionary. Similar is the case of accepting a gift from someone who has both halal and haram sources of income. However, if the person is unreliable, or has some vested interest in your accepting that which he is giving you (gift or merchandise) then his word is of no value, and one should ask someone else.

Oaths

OATHS

(According to the Qur'an and Sunnah, as extracted and inferred by scholars of the Hanafi school.)

Abridged from "*Mukhtasar al-Quduri*", a matn of Hanafi fiqh

1.0 TYPES OF OATH

Oaths are of three varieties:

1. **An engulfing oath (*ghamus*).**
2. **An enacted oath.**
3. **A mistaken oath.**

1.1 The Engulfing Oath is :

swearing to something past, deliberately lying about it. The undertaker of this oath is sinful, but there is no expiation for it other than seeking forgiveness [from Allah].

1.2 The Enacted Oath is :

swearing to something future, that one will perform it - or not perform it. Then, if he breaks his oath, expiation is binding upon him.

1.3 The Mistaken Oath is :

that one swear to something past, thinking that it is as he is has said, whereas the [reality of the] matter is contrary to it. This [type of oath], we hope that Allah will not take its undertaker to task.

2.0 ENACTMENT OF THE OATH

1. The deliberate and the coerced are equal in [the enactment of] an oath.
2. Oaths are [sworn]
    - by Allah, the Exalted, or
    - by one of His names, such as *Ar-Rahman* or *Ar-Rahim*. or
    - by one of His attributes, such as the Might of Allah, His Majesty or His Grandeur [and the like], except for one's saying, "By Allah's Knowledge!" for that is not an oath. If one swore by one of the Attributes of Action, such as the Wrath and Displeasure of Allah, he is not [considered to have] sworn.

    Whoever swears by other than Allah is not [considered to have] sworn, such as [if he swore by] the Prophet, the Qur'an, or the Ka`bah.

3. Swearing is [effected] by [use of] the swearing letters. The swearing letters are :
    - The *waw*, such as one's saying, "*Wallahi*"
    - The *ba*, such as one's saying, "*Billahi*"
    - The *ta*, such as one's saying, "*Tallahi*"
    - The letters may be concealed, in which case one is [still considered to] have sworn.
4. If one says :
    - "*Uqsimu*" (I take an oath) ,or "*Uqsimu Billahi*" (I takes an oath by Allah), or
    - "*Ahlifu*" (I swear), or "*Ahlifu Billahi*" (I swear by Allah),
    - then he is [considered to have] sworn. And, similarly [by] his saying,
    - "*Wa `Ahdillahi wa-Mithaqih*" (by the Covanant of Allah and His Pact!), or
    - "*`Ala Nadhr*" (Upon oath!), or "*Nadhrun Lillahi*" (An oath to Allah!), or
    - "If I do such a thing then I am a Jew, or a Christian, or an unbeliever,"

    then it is [considered] an oath.

5. If one says, "[If I do such-and-such then] upon me be the Wrath of Allah!" or "I am an adulterer," or "A drinker of wine," or "A consumer of interest," then he has not [considered to have] sworn.

6. If one swore an oath but said, "If Allah wills," joined to his oath, then no [penalty for] breaking it is [due] upon him.

7. If one swore that he will not do such-and-such, then he must refrain from it forever. But, if one swore that he will surely do such-and-such, and then does it

once, he is freed from his oath.

3.0 EXPIATION OF A BROKEN OATH

3.1 The Form of the Expiation

1. The expiation of an oath is:
    - Freeing a slave. There suffices for it that which suffices in [the expiation of *zihar*]. [Or]
    - If one wishes, he may clothe ten destitute people, [giving] each of them one garment or more, the minimum of [each] being that in which salah is valid, [or]
    - If one wishes, he may feed ten destitute people, like the feeding in the expiation of zihar.
2. If one is not capable of any of these three things, one fasts three consecutive days.

3.2 When the Expiation becomes Due

1. If one payed the expiation before the breaking of the oath, it does not suffice him.

2. Whoever does the sworn thing under coercion or forgetfully is equal [in the requirement for expiation to one who did it deliberately and willingly].

3.3 Cases in which Expiation Is or Is not Binding

1. Whoever swore to [commit an act of] disobedience [to Allah], such as [swearing] that he would not pray, or that he would not speak to his father, or that he would certainly kill so-and-so, it is essential that he break his oath and expiate it.

2. If an unbeliever swore and then broke the oath in his state of unbelief, or after his [acceptance of] Islam, then there is no [penalty of] breaking the oath upon him.

3. Whoever prohibited something upon himself which he possesses, it does not become inherently prohibited, but he must expiate the oath if he takes it as permissible.

4. Whoever swore that he will surely ascend into the sky, or [that] he shall surely turn this stone into gold, his oath is enacted, and he should expiate it thereafter.

4.0 VOWS

1. One who makes an unrestricted vow must fulfil it.

2. **If one attached his vow to a condition, and then the condition occurred, then he must fulfil the very vow. But, it has been narrated that Abu Hanifah revoked that [verdict] and said : If he said, "If I do such-and-such then [obligatory] upon me is a hajj," or "fasting a year," or "giving what I own in charity," [then] expiation suffices him for that, and that is [also] the verdict of Muhammad.**

Food and Drink

MEAT

Introduction

Praise be to Allah Who created mankind in the best proportion, and Who sent down the regulations of permissibility and prohibition for their benefit. I testify that there is no god but Allah, alone without any partners, and I testify that Muhammad is His servant and worshipper. O Allah ! There is nothing easy except that which You make easy, and You make the difficult things easy when You will.

To proceed : the issue of Halal meat, being of almost universal relevance, is one discussed by all and sundry. Fatawa, discussions, arguments, personal opinions and confusion all abound concerning it. In such a situation, more so than in others, it is useful to review the issue in the light of the Qur'anic verses, the authentic hadith, and the analysis of the scholars. in For some time, I have been intending to write a detailed article on this, and I pray that Allah grant me the guidance and ability to perform this task well, and that what follows can serve as the basis for a more comprehensive and thorough article at a later time.

Before we delve into the details of this issue, let us remind ourselves of the importance of Halal food. The Messenger of Allah (may Allah bless him and grant him peace) has said, "Indeed, Allah is good, and does not accept other than good. And indeed, Allah has ordered the believers with that whereby He has ordered the messengers, for He has said, (translated), "O Messengers! Eat from the good/wholesome things, and do righteous deeds," and He has said, (translated), "O you who believe! Eat from that which is in the earth Halal and wholesome." Then, he mentioned a man who undertakes a long journey [presumably for Hajj or jihad or da`wah], dusty and dishevelled, raising his hands to the sky, [saying] 'O my Lord! O my Lord!' and yet, his food is Haram, his drink is Haram, his clothing is Haram, and he is nourished on Haram. How then can that one be responded to? [Muslim]

1. Qur'anic Evidences

The fundaments here are of three categroies:
i) General texts of permissibility of wholesome things
ii) Specific texts of prohibition
iii) Texts of concession

1.1 General texts permitting the wholesome

Let us cite first some examples of the first category: "[Allah] is is Who has created for you all that is in the earth." [al-Baqarah] This verse is a basis for the fact that, in general, everything is permissible. Other texts clarify further that what is permissible is that which is wholesome, for it is not in keeping with Divine wisdom to permit that which is injurious or harmful. "Say : Who has prohibited Allah's adornment which He has brought forth for His servants, and [similarly] the wholesome things of sustenance? Say : They are for those who believe in this world, and exlcusively [for them] on the Day of Resurrection." [al-An`am]

1.1.1 Clarification of the principle "The Default in all things is Permissibility"

As for prohibition, it requires a clear declaration in the textual evidences, since the default is that all is permissible (based on the preceding category of evidences) except that which has been explcitly forbidden for the welfare of mankind and as a test of their faith. "Say : Bring forth your witnesses who testify that Allah has prohibited this. Then, if they testify, do not testify with them." [al-An`am]

This having been said, I wish to draw attention to a commonly-held misconception, arising from a misapplication of the above-mentioned principle. Some people are under the illusion that they can eat any meat unless they know with certainty that it is Haram. This is not correct, because although the default is permissibility _in general_, this flawed approach ignores the texts of prohibition. Simply stated, since it has been established by clear evidences that meat only becomes permissible upon completion of a very specific slaughter procedure (details of which are to follow, Allah willing), the default for meat is thus prohibition unless it can be established that the required procedure has been performed. [Refer to Ibn `Allan's "Daleel al-FaaliHeen li-Turuq RiyaaD al-SaaliHeen." for discussion of this.] In this light, the scholars have stated explicitly that the default in all things is permissibility, with the exception of meat and sexual intercourse. [See : Hukm al-LuHoom al-Mustawradah, by `Abdullah `Azzam] So, in the same way as a man cannot have intercourse with a woman he finds in a tent on a dark night on the pretext that there is a chance she is his wife, similarly one cannot eat meat indiscriminately on the mere basis that there is a chance it was slaughtered correctly.

1.2 Specific texts of Prohibition

Let us proceed now to mention the most prominent of the specific

Qur'anic texts related to prohibition of certain types of meat. We will suffice ourselves, in this section, with citing the verses, postponing discussion of them, Allah willing, to a later section.

1.2.1

"And eat not of that on which the name of Allah has not been mentioned, for verily it is transgression. And indeed, the devils inspire their comrades to dispute with you, but if you obey them you are polytheists." [al-An`am, 121]

1.2.2

"Prohibited to you are :
- carrion,
- [flowing] blood,
- the flesh of the pig,
- that which has been dedicated to other than Allah,
- that which has been strangled to death,
- that which has been killed by a blow,
- that which died by falling from a height,
- that which was gored to death [by an animal] and
- that from which wild beasts have eaten,
except for that which you make pure [by slaughtering before it dies]. And [forbidden also is]:
- that which has been been slaughtered on stone altars [to idols], and
- [it is forbidden] that you raffle by arrows.
That is an abomination . . . . .
But whoever is forced by [extreme] hunger, without the will to sin, then indeed Allah is Most Forgiving, Most Merciful." [al-Ma'idah, 3] There are several other verses which mention some of the prohibitions mentioned in the above verse.

1.3 Texts of concession

There exist concessions:

- to eat the prohibited in a dire situation where no other food is available. Scholars have said that a dire situation is one where one has not eaten for 24 hrs, and there is no Halal food available, even for a price. We have already mentioned above the textual basis for this concession.

- for hunting. When one sends forth the hunting dog, or shoots the animal, one pronounces the name of Allah. "They ask you what is lawful for them. Say : the wholesome things are lawful for you, and those beasts and birds which you have trained as hounds are, teaching them what Allah has taught you. So, eat from that which they catch for you, and mention the name of Allah over it. And fear Allah. Indeed, Allah is swift in taking to account." [al-Ma'idah, 4]

- to eat the slaughtered meat of the People of the Book (i.e. Jews and Christians). "This day are wholesome things made permissible for you. And the food of those who were given the Scripture is lawful for you, and your food is lawful for them." [al-Ma'idah, 5] Ibn `Abbas said it means their slaughtered meat.

l ***[See: Regulations of Lawful and Prohibited Foods (including Meat) for further information]***

SEAFOOD

Regarding seafood : the fundaments here are the saying of Allah, the Exalted, (translated), "Made lawful for you is the harvest of the sea, and its food is provision for you . . . . " [Surah al-Ma'idah] and the saying of the Prophet (may Allah bless him and grant him peace), with regard to the sea, "Its water is purifying and its carrion is lawful."

Some scholars, such as Imam Malik, considered all sea-creatures to be lawful, based on the above-mentioned verse. However, according to the Hanafi school, the license to eat seafood is restricted by the words of the Prophet (may Allah

bless him and grant him peace), "Two carrions and two bloods have been made lawful for us. As for the two carrions, they are fish and locusts, and as for the two bloods, they are the liver and the spleen." (or as he said it.) So, the meaning of "harvest of the sea" (as mentioned in the verse) is clarified by the hadith, which is taken as explaining that this 'harvest' refers to fish (samak) rather than every sea-creature without exception. The understood implication is thus that any carrion other than fish and locusts is not permissible, and hence, according to the Hanafis, non-fish sea-creatures, such as lobsters, are makruh taHreemi (not permissible).

As for creatures which live both inside and outside the water, such as crabs, they are not considered permissible, since
- they are not wholly aquatic.
- they are not fish (samak).

And Allah, the Flawless, knows best.

Regulations of Clothing

(As deduced from the Qur'an and Sunnah by jurists of the Hanafi school)

In the Name of Allah, Most Gracious, Most Merciful.

Praise be to Allah, Lord of the Worlds. Blessings and peace be upon his Trustworthy Messenger, and upon all of his Household and Companions.

1.0 INSIDE SALAH

1.1 Its Obligation

Among the prerequisites of salah is covering one's nakedness. This obligation is established by the Qur'an, sunnah and consensus (*ijma`*).

***From the Qur'an*: Allah's words, (translated),**

> **"O Children of Adam! Wear your [apparel of] beauty in every place of prayer" [Qur'an 7:31]**

i.e. that which covers your nakedness.

***From the sunnah*: the Prophet (upon him be blessings and peace) said,**

> **"Allah does not accept the salah of an adult woman (i.e. one who has reached puberty) except with a scarf."** ***[Narrated by : Abu Dawud (Book of Salah, "Chapter : A woman praying without a scarf", p. 101), Tirmidhi (who classified it as hasan in "Chapter : Allah does not accept the salah of an adult woman without a scarf", p. 50), Ibn Majah (Book of Menstruation, "Chapter : When a woman passes menstruation, she shall not pray except with a scarf", p. 48), Al-Hakim (who authenticated it in "Chapter : Allah does not accept the salah of an adult woman except with a scarf", vol. I, p. 251), Bayhaqi (vol. II, p. 233), and Ibn Khuzaymah (in his Sahih); vide Bulugh al-Maram # 221, Sahih Ibn Hibban (Book of Salah).]***

***From consensus*:**

> **Numerous scholars have reported consensus on the fact that covering the nakedness is a prerequisite for salah. [See Ibn al-Humam's Fath al-Qadir, vol I, p224 of al-Hidayah with its commentaries.]**

1.2 For Men

The nakedness of a man is from below his navel upto (and including) the knee, because of the hadith :

> **On the authority of `Ata' ibn Yisar, on the authority of Abu Ayyub, who said : I heard the Messenger of Allah (may Allah bless him and grant him peace) say, "That which is above the knees is [part] of nakedness, and that which is below the navel is [part] of nakedness." [Narrated by : Daraqutni (p.85) and Bayhaqi (vol. II, p. 229).]**

And, in part of a long hadith :

> **On the authority of Siwar ibn Dawud, on the authority of `Amr ibn Shu`ayb, on the authority of his father, on the authority of his grandfather, that the Messenger of Allah (may Allah bless him and grant him peace) said, " . . . for that which is below the navel, upto the knee is [part] of nakedness." [Narrated by Daraqutni. Siwar ibn Dawud has been regarded as a mediocre narrator by `Uqayli, but as trustworthy by Ibn Ma`in and Ibn Hibban. Imam Ahmad said there is nothing wrong with him. The hadith is *hasan*, inshaAllah.]**

It is clear that the navel is not part of the nakedness. However, the knee is included in the nakedness because:

i. **A mentioned limit may either be included or excluded, but this matter is one of precaution, and so we rule that it is included.**

ii. **The knee is the intersection of a bone of the area of nakedness [i.e. the thigh] with another that is not [i.e. the shin], so that the lawful and the prohibited are combined therein and therefore cannot be differentiated. Further, if the knee is left uncovered, there is a danger of the thigh being exposed, and hence covering the knee can also be considered necessary to ensure covering of the thigh.**

Strictly speaking, (ii) is really the reason that makes this matter one of precaution.
(iii) The hadith of Siwar ibn Dawud starts out by saying 'that which is below the navel,' which is an expression of generality (*sighat al- `umum*), indicating that everything below the navel, upto the feet, would be included. The next part of the statement, 'upto the knee' specifies the knee as the limit, and hence everything beneath the knee is excluded, but the knee itself remains included.

As for the hadith :

> **On the authority of `Uqbah ibn `Alqamah, on the authority of `Ali, who said : the Messenger of Allah (may Allah bless him and grant him peace) said, "The knee is [part] of the nakedness." [Narrated by**

Daraqutni]

it contains a weak narrator, and may not be used as a proof, although it may be used for substantiation.

1.2.1 :

It is disliked for a man to pray with his shoulders bare, for the Prophet (may Allah bless him and grant him peace) has said,

> "None of you must pray in a single garment of which no part comes over his shoulders." [Narrated by : Bukhari and Muslim; vide Bulugh al-Maram #223]

1.2.2 :

It is forbidden for a man to keep his lower garment below his ankles out of arrogance, and severely disliked / close-forbidden (*makruh tahrimi*) to do so even without arrogance, for the Prophet (may Allah bless him and grant him peace) has said,

> "Allah will not look, on the Day of Resurrection, at that man who lets his lower garment below the ankles out of arrogance." [Narrated by : Bukhari and Muslim; vide Riyad al-Salihin]

This is especially important during salah, for another hadith says,

> "Allah does not accept the salah of a man who drags his lower garment." [Narrated by : Abu Dawud, with an isnad which is authentic according to the criteria of Muslim; vide Riyad al-Salihin]

1.3 For women

1.3.1

The entire body of the free-woman is nakedness, except for her face and hands.

> " The woman is a nakedness, and so when she goes out, Satan raises his glance to her." [Narrated by: Tirmidhi, in the Chapter on Suckling, on the authority of Ibn Mas`ud (may Allah be pleased with him). He classified it as *hasan sahih gharib*. Also reported by Ibn Khuzaymah; vide Sahih Ibn HibbAn (3.66)]

A woman should not cover her face or hands while in *ihram*, based on the authentic narration by Tirmidhi prohibiting a woman in ihram from wearing a veil or gloves. Similarly, she should not cover her her face during salah, unless there are stranger-men around and a danger of fitnah. It may be noted that according to Imams Ahmad ibn Hanbal and Dawud al-Zahiri, the hands are a nakedness.

Evidently the head must be covered in salah. We have already quoted the hadith:

> **"Allah does not accept the salah of an adult woman (i.e. one who has reached puberty) except with a scarf."**

1.3.2

It is at least precautionary for a woman to cover the tops of her feet in salah. Umm Salamah, the wife of the Prophet (may Allah bless him and grant him peace), said,

> **"A woman should pray in a shift that reaches down and covers the top of her feet." [Narrated by: Imam Malik in his Muwatta' (8.10.37), Abu Dawud ("Chapter : In how much should a woman pray", p. 101) and Bayhaqi (vol. II, p. 232).]**

Scholars have differed regarding the feet of the woman : are they`awrah in salah, or outside salah, or both or neither? There are differences among the Hanafis themselves, and there exist three authentic opinions in the madhhab :

1. **1) That the feet are nakedness**
   This is based on the direct implication of the hadith,

   > **"When a girl reaches puberty, it is not appropriate that any of her should be seen, excepting her face, and her hands upto the wrists." [Narrated by : Abu Dawud; It is a *mursal* narration at the level of *hasan*.]**

   It is also strengthened by the narration that the Prophet (may Allah bless him and grant him peace) was asked, when he mentioned the prohibition of dragging the lower garment, about what women should do with the ends of their garments.

   > **He said, 'They should extend them a span.' Umm Salamah said, 'Then, their feet will be uncovered!' He said, 'Then, they should extend them a cubit, not exceeding that.' [Narrated by: Tirmidhi, who graded it as *hasan sahih*, Nasa'i and Abu Dawud, with the words, "then she will be uncovered."]**

   This opinion was presented as the madhhab of Abu Hanifah by al-Quduri in "Bidayat al-Mubtadi", and is also espoused by al-Jassas in "Ahkam al-Qur'an" and by Qadi-Khan. Similarly, in Sharh al-Aqta`, it is stated, "The authentic [opinion] is that it is `awrah, from the apparent [implication] of the report." [See al-Bunayah, vol. II, p. 63] Of the latter Hanafi scholars, al-Ghunaymi has inclined towards this view in "al-Lubab." The feet are also considered nakedness by Imams Malik, al-Shafi`i and Ahmad ibn Hanbal.

2. **That they are not nakedness.**
   The argument for this is based on two points:
   i. **If the establishment of the nakedness is by the saying of Allah, the Exalted, (translated), "And let them not show their beauty, except**

that of it which is apparent," then the foot is not customarily a location of beauty (it may be for a minority, but regulations are set according to the general rule), and thus Allah, the Exalted, has said, (translated), "And let them not strike their feet in order to make known that adornment which they are hiding," i.e. the ringing of anklets, and this conveys that the feet themselves are of the beauty which is apparent. This is fortified by the fact that the Mother of the Believers, `A'ishah, said, commenting on the verse, (translated), "And let them not show their beauty except that of it which is apparent", "the toe-ring, a silver ring which is [placed] on the toes." **[Narrated by Ibn Abi Hatim, as quoted by Ibn Taymiyyah in "Hijab al-Mar'ah", p. 17.]**

ii. If the establishment is by the Prophet's saying, "The woman is to be covered," along with it being established that some of her body is excluded due to hardship of [avoiding] exposure, then, by analogy, it should necessitate that the feet also be excluded, due to the corroboration of hardship. This is because she would be put to hardship by her foot showing when she walked barefooted or with shoes, for she may not always find khuffs or socks with which to cover them. Along with this, desire is not aroused by looking at the foot such as is aroused by looking at the face, and so if the face is not `awrah, in spite of the plentiful arousal of desire, then the foot is more appropriate to remain uncovered in view of the hardship associated with covering it. **[See "Fath al-Qadir" : al-Hidayah with its commentaries, vol. I, p.225, and al-Bunayah, vol. II, p.63.]**

This opinion has been reported by al-Hasan from Abu Hanifah. Al-Marghinani graded it as the more authentic opinion in "al-Hidayah", and Ibn al-Humam and al-`Ayni acknowledged this in their commentaries thereof. This view has been presented as the madhhab by latter *mutun*, such as "Nur al-Idah" and "al-Durr al-Mukhtar". al-Thanvi concluded in "I`la al-Sunan" that it is sounder from the point of rationale.

3. That they are nakedness outside salah, but not in salah.
Ibn `Abidin reported this as one of the authentic views in "Radd al-Muhtar".

It may be noted that Hafiz Ibn Taymiyyah, the Hanbali, also favored this opinion. He says,

> "And similar [is the case with] the foot. It is permissible for her to show it [in salah] according to Abu Hanifah, and [this] is the stronger [position], for `A'ishah considered it of the apparent beauty. . . . . So, this is an evidence that women used to show their feet initially, just as they used to show their faces and hands . . . . for they used not to walk in khuffs or shoes. [Moreover], to cover these in [salah] poses a great hardship, and Umm Salamah said, 'A woman should pray in an ample garment which covers the tops of her feet,' and so when she makes sajdah, the bottoms of her feet may show." **[Hijab al-Mara'ah wa-Libasuha fi al-Salah, pp. 17-18]**

Some scholars opined that the feet are not nakedness in that she is not required to cover them, but they are nakedness for the purposes of looking and touching, i.e. it is not permissible for stranger men to look at or touch her feet.

2.0 Outside Salah

2.1 Its obligation

It is obligatory upon every sane adult to cover his / her nakedness outside salah, from himself, as well as from others for whom it is not lawful to look at his nakedness. Excepted from this are cases of necessity, such as medical treatment, for which it is permissible for him/her to expose such portion of his/her nakedness as is necessary. Similarly, it is permissible for him to expose it for *istinja'*, bathing, answering the call of nature and the like if he is alone to the extent that nobody can see him. It is not permissible to look at the nakedness of a man or a woman, whether attached to the body or severed.

The Prophet (may Allah bless him and grant him peace) has said,

> "A man shall not look at the nakedness of [another] man, nor shall a woman look at the nakedness of [another] woman." [Narrated by : Muslim (in Kitab al-Hayd), Tirmidhi, who rated in *hasan gharib sahih*, Ibn Majah, Ahmad]

And, the Prophet (may Allah bless him and grant him peace) told Mu`awiyah ibn Haydah,

> "Protect your nakedness [from all] except from your wife and your slaves."
> . . . .
> He said, "How about if one of us is alone?"

The Prophet (may Allah bless him and grant him peace) replied,

> "It is [even] more appropriate that modesty be shown for Allah than for people." [Narrated by: Abu Dawud, Tirmidhi, who graded it *hasan*, Ibn Majah, Ahmad]

2.2 For Men

The nakedness of the man outside salah is what is between his navel and his knees, based on the evidences we have already mentioned. It is permissible for other men or women to look at anything beyond that, provided there is immunity from temptation, although according to Imam Abu Hanifah, a woman may not look at a man's belly or back. [al-Hidayah] In any case, men should not leave their chests or backs exposed if there is a danger of their being seen by women and of *fitnah* ensuing subsequently.

The thigh is a nakedness, and hence Muslim men may not, in public, wear shorts which expose the thighs.

The Prophet (may Allah bless him and grant him peace) has said,

> "Cover your thigh, for the thigh is [part] of the nakedness." [Narrated by : Tirmidhi, who graded it as *hasan*, and also by Abu Dawud, Ahmad, Malik and Ibn Hibban. Similar narrations are also narrated by Ahmad, and by Tabarani in "al-Mu`jam al-Kabir." Tirmidhi also

narrated, "The thigh is a nakedness" and graded it *hasan gharib*. Bukhari quoted this as ta`liq.]

2.3 For Women

The fundament here is the words of Allah the Exalted, (translated),

> "And let [the believing women] not reveal their beauty, except that of it which is apparent, and let them clasp their scarves over their bosoms. And, let them not reveal their beauty except to their husbands, or their fathers, or their husbands' fathers, or their sons, or their husbands' sons, or their brothers, or their brothers' sons, or their sisters' sons, or their women [i.e. Muslim women], or their slaves, or male servants free of desire, or children who have no sense of the shame of women's nakedness." [Qur'an, 24:31]

2.3.1

If she is in the presence of stranger-men (*ajnabiyy*, i.e. non-mahram men, viz. men other than her permanently-non-marriageable male relatives, such as father, brothers and sons.), or non-Muslim women, then her nakedness is all her body, except for her face and palms. This is also the view of Imam Malik, and one of the views of Imam al-Shafi`i. Ibn `Abbas said that the 'apparent beauty' referred to in Allah's saying, (translated),

> "And let them not expose their beauty, except that of it which is apparent." is antimony and a ring, (i.e. the face and the hands). [Narrated by: Tabari, Bayhaqi, Ibn Abi Shaybah, Abdur-Razzaq, Tahawi. It has a solid chain.]

And, we have already mentioned the hadith,

> "When a girl reaches puberty, it is not appropriate that any of her should be seen, excepting her face, and her hands upto the wrists."

Thus, the hands and face are not nakedness, and it is lawful to look at them if one is immune from temptation. It is worth pointing out this does not grant a license for indiscriminate looking, for one will generally not know whether or not one will be allured by a woman's looks before one has looked at her. In fact, even accidental glances should be brought in check as soon as one realizes them, for the gaze is one of Iblis' poisoned arrows.

> Jabir (may Allah be pleased with him) said, "I asked the Prophet (may Allah bless him and grant him peace) about an accidental look, and the he told me to avert my gaze." [Narrated by: Muslim]

It is not lawful to touch a woman's face or hands, even if one considers oneself secure from lust. [al-Hidayah]

> "The hand of Allah's Messenger did not touch any woman's hand except the hand of that woman his right hand possessed." [Narrated by : Bukhari]

And, it is reported that Prophet (may Allah bless him and grant him peace) said,

> **"It is better for any of you that an iron spike be rammed into his head than that he should touch a woman who is not lawful to him." [Narrated by: Bayhaqi and Tabarani]**

The head and hair must be covered, without any disagreement. There is *ijma`* (consensus) of the scholars on this, and hence any claim to the contrary is a bid`ah. That there is support for the *bid`ah* from a handful of contemporary individuals is of no consequence, because the ijma` was enacted prior to that, and also because of the clear evidences the dissenters have contradicted. Allah says, (translated),

> **"And let [the believing women] not reveal their beauty, except that of it which is apparent, and let them clasp their scarves over their bosoms."**

The application of this verse to covering the head is twofold:

i) Women are prohibited from revealing their beauty, and the hair is certainly a site of beauty. The exception from covering (viz. for that beauty which is apparent) does not apply to the head or hair, because of the lack of any evidence to indicate it. The phrase 'that which is apparent' is *mujmal (*not of well-defined import), and requires specification (*bayan*), which is provided in the hadith in the form of clarification that it refers to the hands and the face. No such specification exists to exclude covering of the head.
ii) Women are commanded to clasp their scarves over their bosoms, i.e. to cover their chests and necks with the scarves, in addition to the head - as opposed to merely covering the head while leaving the neck and chest exposed as was the practice of women of Jahiliyyah. [Narrated by Ibn Abi Hatim]

As for the claim that one could cover one's neck and chest, but leave the head exposed, this is inadmissible on at least two counts:

i) The word used in the verse is *khumur*, plural of *khimar*, which is a head covering. [Tafsir Ibn Kathir, Tafsir Ruh al-Ma`ani] If a piece of cloth is used for covering some other part of the body, it is not a head covering. Should it be contended that it is still, in essence, a head covering being put to another use, we shall respond that this is even further-removed from acceptability. Were it to be true, it suggests redundancy and vainness in the words of Allah, the Exalted, which is inadmissible without disagreement. If it be claimed that any type of covering can be called a *khimar*, we reply that :

a) the verse talks not about '*khumur*' in general, but about 'their *khumur*', i.e. the women's *khumur*, and these are the scarves which they were wearing on their heads, and thus it is established that the *khimar* here is a scarf, and not merely some covering.

b) one cannot look at the Qur'an in isolation; the sunnah must necessarily be consulted to explain, clarify and specify the Qur'an, and the sunnah clarifies that the head is part of the nakedness.
ii) It is against ijma`

2.3.2

When a woman is alone, or in the presence of Muslim women, her nakedness is that between her navel and her knees. In the presence of mahram men, she must, in addition, cover her belly and back. [al-Hidayah / Fath al-Qadir] The obligation of covering the back is understood from the legislation concerning *zihar* - a pagan custom in which a man would liken his wife's back to his mother's back to indicate that he no longer had desire for sexual relations her. The Qur'an

condemns *zihar* and stipulates an atonement for it [Qur'an, 58:1-4]. This indicates that the wife's back cannot become like the mother's back, and hence that it is not permissible to look at one's mother's back. If the back is a nakedness in this regard, it is fitting, by analogy, that the belly also be. By further analogy, this regulation is extended to other mahram women.

2.3.3

The voice of the woman is not nakedness, because the wives of the Prophet (may Allah bless him and grant him peace) used to speak to the Companions, who used to listen to the regulations of the religion from them. But, it is forbidden to listen to her voice if one fears temptation, even in recitation of the Qur'an. Allah has said, (translated),

> "So, do not be soft in speech [O women], lest he in whose heart is a disease should be moved with desire." [Qur'an, 33:32]

See : "Talking to the opposite sex" for more details.

2.3.4

A number of scholars have regarded the woman's entire body to be nakedness, without any exception outside of salah. This is one of the views reported from Imam Ahmad ibn Hanbal, and is the view of most of the latter Shafi`i scholars. They view the evidence we have cited as being abrogated, and cite other evidence in their favor, including the practice of the women of Madinah, who covered their entire bodies, with the exception of one or both eyes upon the descent of the verse, (translated),

> "O Prophet! Tell your wives, your daughters and the believing women to draw their *jalabib* (outer garments) over themselves." [Qur'an, 33:59]

Thus, it is at least recommended, and certainly more precautionary, for women to cover their faces, hands and feet also. The word used in the verse, *jalabib* (plural of *jilbab*), refers to an outer garment which covers the body completely, and so this is also an argument in favor of covering the face. Also indicating the covering of the face is the verse, (translated),

> "And, when you ask them (the Wives of the Prophet) for something you need, then ask them from behind a veil; that is more pure for your hearts and for theirs." [Qur'an, 33:53]

The reasoning here is that if covering the face was a requirement for the Mothers of the Believers, whom Allah has purified [See Qur'an, 33:33], and who talked to the Companions, the best of generations, and that only on matters of religion, then it is more fitting and imperative that women beneath them in station should observe the same, espcially in times of greater moral decadence in society.

Even if the face is not considered a nakedness, it is obligatory to cover it if there is a danger of *fitnah*. [Radd al-Muhtar]

2.4 The `Awrah of a Child

Al-Thanvi provides the following iinformation :

2.4.1

A very small child has no `awrah

[based on a hadith extracted by Bayhaqi. Hafiz al-Zayla`i has mentioned in Nasb al-Rayah that it is not strong. Mufti Muhammad Taqi al-`Uthmani, the editor of *I `la al-Sunan* mentions that its narrators are trustworthy, although there was some disagreement over one of them. In either case, if there is no authentic narration on a matter, many scholars take by even a weak narration.]

2.4.2

Then, when the child starts to have a sense of feeling/shame (which varies from one child to another; some suggested an age of 4 years), the `awrah is the front and back private parts.

2.4.3

The `awrah gradually increases with age (according to some) until the age of ten.

2.4.4

At the age of ten, it becomes the same as the `awrah of an adult.
This is to accustom the child to covering the `awrah, and is by analogy from the hadith about ordering children to perform salah when they are ten years old. It is not technically a fard on the child, but it is a fard on the parents to enforce it.

2.5 Further, General Regulations

In addition to covering the required parts of the body, the following should also be observed :

2.4.1 *The clothes should not be transparent.*

The Prophet (may Allah bless him and grant him peace) said,

> "There are two categories of the inhabitants of Hell that I have not seen: People with whips like the tails of cows, with which they beat people, and women who are clothed yet naked, swaying, and moving out of Allah's religion; their heads are like an inclined camel's hump. They will not enter Heaven, nor smell its fragrance, though its fragrance can be smelt from such and such a distance." [Narrated by : Muslim, Ahmad, Malik.]

2.4.2 *The clothes should not be tight*

The clothes should not be tight to the extent that they reveal the shape of what they are supposed to be covering.

> It is reported that Usamah ibn Zaid was given a piece of *Qibtiyyah* cloth by the Prophet (may Allah bless him and grant him peace).

Later, the Prophet asked Usamah why he was not wearing it. Usamah replied, "O Messenger of Allah! I gave it to my wife for a garment." The Prophet (may Allah bless him and grant him peace) said, "Tell her to make a lining for it, for I fear it may describe her frame." [Narrated by : Ahmad and Bazzar]

2.4.3 *The clothes should not be of those characteristic of the unbelievers*

"Whoever imitates a people is one of them." [Narrated by : Abu Dawud, Ahmad, Bukhari, Tabarani and Bazzar]

"And differ from the allies of Satan with all that you are able." [Narrated by : Tabarani]

2.4.4 *The clothing should not be characteristic of the opposite sex*

"The Messenger of Allah (may Allah bless him and grant him peace) cursed those among women who imitate men, and those among men who imitate women." [Narrated by : Bukhari]

2.4.5 *The clothing should not be worn for vanity or fame*

2.4.6 Men may not wear silk, gold or silver, with the exception of a silver ring.

2.4.7 Women's clothing should not be such as to attract undue attention to them, as with extremely bright colors.

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Much of the text of this article has been adapted from the following two sources:

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Substantiating evidences and discussions were taken mainly from:

3. "*Fath al-Qadir lil-`Ajiz al-Faqir*", by Kamal al-Din Ibn al-Humam; a commentary on al-Hidayah, and published with it.

4. "*I`la al-Sunan*" by Muhaddith Zafar Ahmad al-`Uthmani al-Thanvi; in the light of comments from Hakim al-Ummah Ashraf `Ali Thanvi; edited and annotated by Muhammad Taqi al-`Uthmani. Published by Manshurat Idarat al-Qur'an wa al-`Ulum al-Islamiyyah, Karachi, 22 vols in 18, 1994/1414.

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5. **"*al-Lubab fi Sharh al-Kitab*" by Shaykh `Abd al-Ghaniyy al-Ghunaymi al-Maydani.**

6. **"*al-Bunayah fi Sharh al-Hidayah*" by Hafiz Badr al-Din al-`Ayni**

7. **"*Nasb al-Rayah li-Ahadith al-Hidayah*," by Hafiz al-Zayla`i.**

8. **"*Hashiyat Radd al-Muhtar `ala al-Durr al-Mukhtar Sharh Tanwir al-Absar*", by `Allamah Ibn `Abidin.**

9. **"*Bulugh al-Maram min Adillat al-Ahkam*", by Hafiz Ibn Hajar al-`Asqalani.**

10. **"*Hijab al-Mar'ah wa-Libasuha fi al-Salah*," by Hafiz Ahmed ibn Taymiyyah**

11. **"Hijab" by Dr. Ismail Memon Madani (in English).**

Seeing the Prophet in a dream
(may Allah bless him and his Household and grant them peace)

Bi-smillaah wa l-hamdu li-llaah wa s-salaatu was-salaam 'alaa rasoolihi l-mustafaa. [In the Name of Allaah. All Praise belongs to Allaah. Prayers and Peace be upon His Messenger, the Chosen One.]

As-salaamu `alaykum.

As those of you in the US (and perhaps elsewhere) may know, a chain letter is circulating on the internet which is supposedly from "Shaikh Ahmed" a "watchman" of the Masjid al-Haraam in Makkah (Makkah). In this letter the "watchman" claims to have seen the Prophet Muhammad (May Allah bless him and send peace upon him) in a dream. The watchman goes on to say that in the dream the Messenger commented on the disobedience of his Ummah and encouraged Muslims to repent and mend their ways. According to the letter, the Prophet charged Shaikh Ahmad with the task of relaying this message to the Muslims around the world by requiring them to forward a chain letter! The letter ends as many chain letters do by promising blessings to those who forward the letter to a number of other people and bad luck to those who do not.

The letter came to my attention when a recent revert sent me an e-mail message asking about the letter. Our brother Suheil Laher wrote this brief but effective response, exposing the letter as a fraud. By the grace of Allah, his letter was forwarded to some of the national discussion groups and e-mail lists.

Al-hamdu li-llaah. The chain letter was also confirmed as a fraud by other trustworthy brothers who informed us that the same letter has been circulated several times in the past and declared a hoax by `ulamaa in Arabia and Jordan.

May Allah save the Muslims from attacks on their religion.

Alright, lets just clear this up in case people start forwarding this en masse in panic.

1. It is authentically established that the Prophet (may Allah bless him and his Household and grant them peace) said that whoever sees him in a dream has indeed seen him, for Satan cannot impersonate him. Hence, if Sheik Ahmed really claims that he saw the Prophet (peace and blessings be upon him) in a dream, we will not refute him.

However, the way it stands, we have no way of verifying even that. All we have is an anonymous message claiming that; we don't know from whom the message originated, whether the writer is a reliable and upright Muslim or not. At this

point, I don't really know if the watchman of al-Masjid al-Nabawiyy is even named Sheik Ahmed.

2. The hadith talks about _seeing_ the Prophet (may Allah bless him and grant him peace), not about _hearing_. It is not inconceivable that one may see the Prophet in a dream, but that Satan may whisper something to the person, resulting in his thinking that the Prophet said it.

3. Even assuming that he claims to have heard the Prophet saying something, those words do not become binding because:

3.1 Firstly, one of the conditions for acceptance of hadith is *dabt* (precision in narrating) of the narrator. A sleeping person is not conscious, and is therefore not considered *dabit* (precise/reliable) in what he reports from that state. Otherwise, what the dreamer reports would be a hadith, and the dreamer would be a Sahabi!

3.2 Even if, for the sake of argument, we say that he is *dabit* in his narration, it still does not become binding, according to most scholars. Legislation was completed and perfected by the death of the Prophet (may Allah bless him and grant him peace). Hence, a dream cannot make something farD, or sunnah, or makruh, or Haram. Imam al-Nawawi has reported consensus (ijma`) on this.

4. So, if someone thinks he heard the Prophet tell him something in a dream, he is not obliged to follow it, although some considered that he may follow it himself, but that he cannot oblige others to follow it. All this is assuming that what he heard is in conformance with the shari`ah. If it conflicts with the shar`iah, there is no disagreement
that it should be rejected as imaginings or Satanic whisperings, and neither he nor anyone else may act on it.

5. Having established these general principles, we now turn to the specific matter at hand. The things which this letter claims were advised by the Prophet in the dream (wives obeying their husbands, helping the poor, performance of pilgrimage, establishment of salah) are certainly good things, in conformance with the shari`ah. Hence, if someone wants to remind Muslims to do these good deeds, then inshaAllah there is reward for him in that. In fact, this would be the case even if there had been no such dream as that reported.

6. However, to make it a *fard* on Muslims to distribute 20 copies of the letter, and to say that they will be punished in this world if they do not do so is not a part of the shari`ah:

i) According to the Qur'an and Sunnah, a person is not necessarily punished in this world for a sin. A Muslim may be punished in this world, in which case he is freed from punishment for it in the Hereafter. Or, Allah may forgive him in the Hereafter, or in fact even before that if he repents sincerely. Evil people may not be punished in this world, by way of istidraj (deception) - i.e. Allah gives them more and more luxury and comfort, so that they fall further and deeper into evil.
ii) Rationally, it is not sound for one to be punished heavily for failing to distribute a letter, when one is not punished to the same extent for not making da`wah to non-Muslims by propagating the message of tawHeed and the Qur'an (which is a farD for Muslims, especially in a non-Muslim country). Admittedly, this second argument is only speculative, and not decisive.

Attached below is an extract from Imam Nawawi's commentary on SaHeeH Muslim, for those who are interested in reading it, although I have already mentioned above most of the points he discusses.

And Allah, the Flawless, knows best.

Suheil

Translated from Sharh Saheeh Muslim, by Imam al-Nawawi.
Text (C) by Suheil Laher

Qadi `Iyad (may Allah have mercy upon him) said, ". . . . [It is] not that one can be certain of the matter of a dream, nor that an established sunnah can be invalidated on account of [a dream], nor that an unproved sunnah can be established [by it]. This is by the consensus of the scholars."

These are the words of Qadi `Iyad, and the same has been said by others of our colleagues [the Shafi`is] and others [besides them]. They reported agreement that that which is established in the Law cannot be changed on account of that which the sleeping person sees. This, which we have mentioned, does not contradict the saying of [the Messenger of Allah] (may Allah bless him and grant him peace), "Whoever sees me in a dream has [indeed] seen me," for the meaning of the hadith is that his vision is authentic and not part of [mere] muddled dreams, nor of the deception of Satan. However, it is not permissible to establish a legal ruling by it, because the state of sleep is not one of retention and exactitude for that which the seer [of the dream] hears. [Scholars] have agreed that among the conditions [stipulated] for those whose narration and testimony may be accepted is that he be alert, not inattentive nor of poor memory, nor very error-prone, nor of impeded retention. The sleeping person does not have these characteristics, and so his narration is not accepted, because of the impariment of his retentive ability. All of this is with regard to a dream associated with initiation of a verdict in contradiction to that by which the people of authority judge. If, on the other hand, one saw the Prophet (may Allah bless him and grant him peace) ordering one to do something which is recommended, or forbidding one to do something forbidden, or directing him to do something beneficial, then there is no disagreement over the praiseworthiness of acting by it, for that is not a verdict based merely on the dream, but rather on that which is established [in the Law] regarding the basis of that [deed]. And Allah knows best.

Investment

A Muslim can acquire the shares of a joint stock company with the following conditions:

1. **The main business of the company must be Halaal (permissible) according to Shariah. So, a Muslim cannot invest in a company whose main business is Haraam, like the traditional banks, insurance companies, companies dealing in wines, etc.**
2. **If the main business is Halaal, but it is involved in borrowing money on Interest or placing its funds in an Interest bearing account a Muslim share-holder should raise his voice against this practice in the annual general meeting of the company (or, if that is not possible, then by writing to the company to express his objection.)**
3. **When a Muslim share-holder receives a dividend he must ascertain that proportion of the profit of the company which has accrued on its interest-bearing accounts. Then a similar proportion from his own dividend must be given by him to a person or persons entitled to receive Zakaat.**
4. **If all the assets of a company are in a liquid form and the company has not yet acquired any fixed assets or any stock for trade, then the sale and purchase of shares must be on their par value only.**

If anyone of these conditions is contravened, the investment in a company is not permissible in the Shari'ah.

N.B. The above ruling has been issued by Justice Mufti Muhammad Taqi Usmani of the Shariat Appellate Bench - Supreme Court of Pakistan. He is also the Deputy Chairman of the Islamic Fiqh Academy - Jeddah.

Reproduced and edited from the article at :

POLITICS AND JIHAD IN ISLAM

An overview

In the name of Allah, Most Gracious, Most Merciful

Islam as you must know by now, is based on one fundamental principle: which is that there is only one God, who has no daughters, no sons, no partners, no likeness; who is not like anything we know or can imagine, and who alone is worthy of worship. One of the consequences of this belief is that a Muslim must try to observe the guidelines given by his Creator in every sphere of life. In this sense, Islam is not merely a religion but is in fact a way of life. Devotion to God is not restricted to praying, fasting and charity. Rather, anything a Muslim does is considered a good deed if he carries it out in accordance with God's commands. These commands have been communicated to us through the Final Prophet Muhammad (peace and blessings be upon him), who was sent to all mankind.

Thus, it is quite natural that Islam lays down guidelines for politics and war. Islam is not merely a system for the betterment of the individual, but is also concerned with the welfare of society at large. Islam prescribes that the Muslims should have a leader, or Caliph, whose duty is to protect the interests of the citizens. This duty has six basic components:

1. **He must safeguard their religious interests.**
2. **He must protect their life and security (punishing murderers and highwaymen; providing defense from enemy).**
3. **He must protect their morality. (encouraging marriage; punishing adultery)**
4. **He must protect their reputations. (punishing slander)**
5. **He must protect their property and homes. (foster safety, punish thieves)**
6. **He must protect their mind. (education, routing out alcohol and drugs).**

The leader is answerable to God for these duties. It has been reported that one of the early caliphs could not sleep well by night due to the fear that somewhere on the streets of Baghdad, a camel might lose its footing, and he (the Caliph) would then be responsible on the Day of Judgement as to why he did not improve the condition of that street.

In return, the people's duty is to give him their loyalty and obedience, as long as he does not violate the orders of God. Abu Bakr, the First Caliph, addressed the people when he took on leadership after the death of Prophet Muhammad (peace and blessings be upon him). He said,
"Oh people! I am one of you whom God has appointed in authority over you, though I am no better than you. You are obliged to obey me, but only as far as I act according to God's laws, for otherwise you must remove me."

The Islamic political system, then, is a means for implementing the political system and socio-economic order prescribed by God. This is necessarily the best system for mankind, because God in His Wisdom does not prescribe anything other than what is best for us.

I mentioned already that the Islamic state is obliged to protect the interests of society at large. This includes not only the Muslims, but also the non-Muslim subjects of the state, such as the Jews, Christians, and so on. These latter people are called "dhimmis", which means "covenanted people", and they are not forced to convert to Islam. They are allowed to practice their religion, and even to implement their own laws and courts in personal dealings, such as marriage. However, they are forbidden from openly committing (i.e. in public) any deeds which are prohibited in Islam, such as adultery and drinking alcohol. They are not required to pay the religious tax (Zakat), but instead they pay a special poll-tax called the "jizyah" in return for the privileges of citzenship. Obviously, they may not harbor spies or commit treason. In return, the Caliph must safeguard their rights, so much so that if some of them are captured by the enemy in war, the Caliph is obliged to obtain their release just as he is compelled to do for Muslims who have been captured.

Now we move on to a somewhat related topic which very often misunderstood and mis-portrayed; this is the concept of jihad. Jihad does not mean "holy war"; it is an Arabic word, which essentially means "striving". It can take a number of forms, for example the striving of an individual against the desires of his lower self is a form of jihad; striving against the temptations of Satan is also a jihad, as is speaking out against injustice. Prophet Muhammad (peace and blessings be upon him) has said that "The best jihad is to speak a true word before a tyrant ruler."

In some cases, certainly, jihad may involve physical fighting and warfare. When the Muslims are being attacked by an enemy, or their lands are being invaded and occupied, they are obliged to defend themselves. The Qur'an tells us to "fight, in the path of God, against those who fight you, but do not exceed the limits." The other case in which jihad must involve fighting is in order to remove oppression and injustice from a land. "Fight them until there is no more persecution."

Even these cases of fighting, there are very specific guidelines. The Muslims should not kill civilians, women, children or religious men such as priests and monks. They should not destroy trees or property unnecessarily. Thus, terrorism is not neither sanctioned nor approved by Islam; in fact it is condemned.

I have attempted to address the major issues of Islamic politics and jihad, and I hope my talk has been beneficial. If you have any further questions, I will be happy to answer them.

The Caliphate

One and Only One Caliph!

In the name of Allah. Praise be to Allah and blessings and peace be upon the Messenger of Allah.

1. Imam Muslim has reported in his "Sahih" that the Prophet (may Allah bless him and grant him peace) said that the Children of Israel were ruled by prophets, so that whenever one died another was born. Then the Prophet (may Allah bless him and grant him peace) went on to say that there is no prophet after him, but there will be several caliphs. The Companions asked what they were to do in this case, and the Prophet told them to join the first of them.

Imam Nawawi comments on this hadith, "If two caliphs are given allegiance one after another, the first caliph's allegiance is acceptable and the Muslims must fulfil it. The second caliphs' allegiance is not acceptable and it is forbidden to fulfil it. It is forbidden for the second caliph to seek the pledge of allegiance from anyone. The above ruling applies whether or not the Muslims pledging allegiance to the second caliph were aware of the first caliph. It applies whether the two caliphs are in the same country or in different countries." [Nawawi, "Sharh Sahih Muslim", (12/231).]

2. Imam Shafi`i has reported that the Muslims have been in unanimity that the caliph is a single individual. [Shafi`i, "Ar-Risalah" translated into English by Majid Khadduri, Islamic Texts Society, 2nd Ed., 1987; p. 260]

3. `Abdur-Rahman al-Jaziri says, "The Imams [of fiqh] have agreed that Imamate is an obligation, and that the Muslims must have an Imam . . . and that it is not permissible that there be two Imams [ruling] over the Muslims at one time in all the world, whether they are in agreement or in discord." [Jaziri, "Al-Fiqh `ala l-Madhahib al-Arba`ah", Dar al-Kutub al-`Ilmiyyah, Beirut, 1988/1409, (5/416).]

4. Badr ad-Din ibn Jama`ah says, "It is not permissible to assign the Imamate to two [individuals], not in a single country, nor in two [different] countries, nor in a single continent, nor in two [different] continents." [Ibn Jama`ah, "Tahrir al-Ahkam fi Tadbir Ahl al-Islam" edited and annotated by Dr. Fu'ad `Abdul-Mun`im

Ahmad, Mu'assasat al-Khalij, 1987]

The editor/annotator, Dr. Ahmad, indicates the following as further references on this point:
Mawardi, "Al-Ahkam as-Sultaniyyah", p. 9.
Abu Ya`la, "Al-Ahkam as-Sultaniyyah", p. 9.
Juwayni, "Ghiyath al-Umam", pp. 126, 132.
Nawawi, "Ar-Rawdah", (10/47).

5. Imam al-Haramayn Abul-Ma`ali Juwayni says,
"Section 7 : The Prohibition of Establishing Two Imams

If it is manageable to establish a single Imam . . . it becomes binding to establish him, and it is not permissible, in this situation, to establish two Imams, and this is agreed upon.

[He then discusses cases where, out of necessity, two rulers may be ruling simultaneously in different areas of the Muslim land, and comments:] The truth, which is to be followed, is that neither of them is an Imam . . .[in fact] this is a period devoid of an Imam." [Juwayni, "Ghiyath al-Umam fi Iltiyath az-Zulam" abridged as "At-Tariq ila l-Khilafah" and edited by Muhammad Shakir Sharif, Dar an-Nahdah al-Islamiyyah, Cleveland, OH, 1992/1413; pp. 99-100.]

6. It is stated in the commentaries on Nawawi's "Al-Minhaj", "(K: It is not permissible to assign [authority] to two Imams (H: at one time) or more . . . though they may be mutually distant.)" [K: = Muhammad Shirbini Khatib H: = Ibn Hajar Haytami] ["Mughni l-Muhtaj" (4/132), "Hawashi `ala Tuhfat al-Muhtaj" (9/77-78) vide "The Reliance of the Traveller" by Noah Keller, p.645.]

7. The following further references are found in "The Islamic Political System" by Arshad Muhammad et. al, Islamic Da`awah Center, pp. 14-15:

i) "It is forbidden for the Muslims to have two Ameers." [Abu Bakr Siddiq, as reported by
Ibn Hazm, "Al-Fisal fi l-Milal wa l-Ahwa' wa n-Nihal";
Tabari, "At-Tarikh";
Waqidi, "Al-`Aqd al-Farid";
Ibn Kathir, "As-Sirah";
Bayhaqi, "As-Sunan al-Kubra";
Ibn Hisham, "As-Sirah";
Ibn Ishaq, "As-Sirah".

ii) "It is permitted to have only one Imam in the whole world." [Ibn Hazm, "Al-Muhalla", (9/360).]

iii) "It is not allowed to appoint two independent Imams at the same time." [Tuftazani, "Sharh al-`Aqa'id an-Nasafiyyah", p. 185.]

And success is with Allah.

Seeking help from the Kuffar

A dispellation of some common misunderstandings
by Abu Ahmad

SECTION I

The islamic political issues have been discussed in depth - like other topics - by muslim scholars. The places for these discussions are:

a. **In Aqueedah books, in the chapter on Imamah (or leadership): Issues related to the election process, when to remove the Imam, what are the Imam's rights and duties? What are the people rights' and duties? When can we revolt and when must we revolt against the Imam. What are the criteria for Imamah (leadership), and the like.**

b. **In Fiqh books, in the chapters on Siyar (battles)/Jihad/etc: Issues related to the international relations, including: war, peace, treaties, granting protection to non-muslims, seeking help from non muslims, granting visas to non muslims, granting "green card" (residence permits) to non muslims, political refuge, the difference between Dar-ul-Islam and Dar-ul- Kufr, Jizyah,etc. In addition, of course, to the various issues related to Jihad.**

In addition to the Fiqh and Aqueedah books, the following are famous classical references discussing the subject of islamic politics:

a. **Ghiyath-ul-Umam fee-ltiyathi-ththulam (the savior of nations in darkness) by Imam Alharamayn (Imam of both Makkah and Madinah Mesjids) Aljuwaynee.**

b. **Siyasah Shar'iyyah (Islamic politics) by Ibn Taymiyyah.**

c. **Al-Ahkaam Assultaniyyah (the rules pertaining to the Sultan) by Imam Almawirdee (described by Imam Nawawee as the most expert of all judges)**

d. **Al-Ahkam Assultaniyyah by Quadee Abu ya'ala Al-hanbalee**

And the following are some well known recent references:

a. **Nassihatu Ahli-Islam (advice to the muslims) by the famous great scholar Sheikh Muhammad bin Ja'far al-kittanee from Morocco.**

b. **Nizam al-hukm fee-shari'ah wa ttareekh (Political system in Shariah and History) by UStad Zafer Kassimee**

c. **Al-Islam by Sheikh Sa'eed Hawa, the famous syrian scholar.**

d. **Shakhsiyyah Islamiyyah (Islamic personnality) by the known Azharee scholar (Takiyyuddine Nabahanee), founder of Hizbu-ttahreer al-islamee.**

Despite the great depth with which these issues have been researched and discussed by our Ulama, and despite the tremendous efforts done so far to collect the various evidences from Qur'aan and Sunnah, you find a frustrating widespread ignorance among the muslims in general, and those involved in politics in particular, regarding these various above mentioned issues. It is not uncommon for these people to even react with astonishment when you tell them that the election process is discussed in the book of Aqueedah for example.

Part of that ignorance is due to the fact that the Imamah chapter (in Aqueeda) and the Siyar chapter (in Fiqh) come towards the end. This means one has to be a dedicated student of shari'ah to get to study these topics.

Another factor that adds to this ignorance is the fact that the political situation in our countries does not encourage freedom. Ulama find lots of difficulty when they want to teach Fiqh the proper way, for the consequences would be to topple the regimes under which they live!

A third factor that adds to this widespread ignorance is that Muslims, in general, have been reluctant to study their religion, probably because they underestimate the degree of intellectuality involved in our Fiqh and Aqueedah.

I apologize for the digression. But I thought that giving you the keys to a certain field is more important than answering a particular question about it.

Now, we come to the points you raised in your letter:

a. Writing to UN to lift the arms embargo

b. Writing to Clinton to help in lifting it

SECTION II

The fundamental guidelines on how to deal with the non-muslims are mentioned in Surah Ma'idah verses 51-59.

What is special about Surah Ma'idah is that it is the last revealed surah of the Qur'an . Imam Qurtubee in his tafseer reported that Hazrat Umm- Almu'mineen A'eshah said: "Surah Ma'idah is the last surah of Quran. For that reason, what is described as Halaal in it is Halaal, and what is described as Haraam is Haraam". Which means that the verdicts in it are not superseded by any other Ayah or Hadeeth. Hence, if an event in the Seerah seems to contradict the implications of these verses we go by these verses and we assume that this seerah event has been superseded by Surah Ma'idah. This is a fundamental rule that should be kept in mind while reading the Seerah.

The verses in surah Ma'idah say: (meaning translated)

-Oh ye who believe! take not the Jews and the Christians for your friends and protectors. They are but friends and protectors to each other. And he amongst you that turns to them for friendship is of them. Verily Allah guideth not a people unjust.[51]
(Comment): The verses speak for themselves.

-Those in whose hearts is a disease, you see how eagerly they run about amongst them, saying:"we do fear lest a change of fortune bring us disaster" Ah! perhaps Allah will give you victory, or a decision from Him. Then they will regret of the thoughts which they secretely harboured in their hearts.[52]
(Comment): Running eagerly to the Kuffar's help is a sign of heart disease.

- And those who believe will say :"Are these the men who swore their strongest oaths by Allah that they were with you? all that they do will be in vain, and they will fall into nothing but ruin.[53]
(Comment): It is not enough to claim Islam, one has to prove it by seeking friendship and protection only from Allah, his messengers and the beliebevers.

-Oh ye who believe! if any from among you turn back from his Faith, soon will Allah produce a people whom he will love as they will love him, lowly with the believers, mighty against the rejectors, fighting in the way of Allah, and never afraid of the repoaches of such as find fault. That is the grace of Allah,, which he will bestow on whom He pleases. And Allah encompasses all and He knows all things.[54]
(Comment): Taking Kuffar as friend and protectors is equivalent to turning back from faith. The proper way is to seek protection in Jihad. for Allah loves the Mujahideen.

-Your real friends and protectors are: Allah, His Messenger, and the Believers, those who establish regular prayers and pay zakah and they bow down humbly in worship.[55]
(Comment): Never hope that the non-believers will be your real protectors.

-As to those who turn for friendship and protection to Allah, His Messenger and the Believers, it is the party of Allah that must certainly triumph.[56]
(Comment): The recipe of victory: seeking protection and support from Allah His Messengers, and the believers.

-Oh ye who believe! take not for protection those who take your religion for a mockery or sport. Whether among those who received the Scripture before you, or among those who reject Faith: But fear ye Allah, if ye have Faith indeed.[57]
(Comment): Criteria of those who should never be asked for help: making fun of our religious affairs.

-When ye proclaim, your call to prayer, they take it but as Mockery and Sport; that is because they are a people without understanding.[58]
(Comment): How much have the americans and europeans made fun of our religious affairs such as: Hijab, polygyny, slavery, Jihad,. In the application for US citizenship polygamy is put on the same lines with adultery and other "non-ethical" behaviors. When Salman Rush-die wrote his obsene satanic verses, he was rewarded with a prize, because his book was meant to attack the Prophet and his wives. Moreover, he is being protected by the Kuffar wherever he goes.

-Say: "O people of the Book! Do ye disapprove of us for no other reason than that we believe in Allah, and the revelation that has come to us, and that which came before and that most of you are rebellious and disobedient?"[59]
(Comment): When we are dealing with the US "system", we are actually dealing with the people who RUN the system. Being from the people of the Book, most of those in charge of the system are rebellious and disobedient. On the other hand if there are good people in the "system", they will always be a minority.

The implications of these verses are very clear: Never hope that the Kuffar as a nation or a set of nations will ever help you. They only help each other against you. Depend only on Allah, follow his messenger, and seek the support and help from believers and declare Jihad. Only then your triumph will be certain. Those who don't abide by this policy and and are convinced that the Kuffar are truly the source of support and protection, have disease in their heart (i.e., Nifaq).

On the other hand, the verses do not address individuals. A certain jew or christian , as an individual, might help or support an islamic cause. But a nation of jews, or christians, or disbelievers in general, will never do so.

There is a verse in the Qur'an that seems to allow seeking friendship or protection in the case of weakness. It is the ayah of "taquiyyah" "Let not the believers take for friends or helpers unbelievers rather than believers: if any do that, shall have no relation left with Allah except by way of precaution, that ye may guard yourselves from them. But Allah cautions you to fear Himself; for the final goal is to Allah" ch3.v28.

However, Imam Ibn Jareer tabaree, shaykhul-mufassireen, explained this ayah as follows:"Oh believers, do not take the kuffar as your supporters, friends and protectors. Do not help them in spreading their religion (e.g., by having people believe in US as the SUPERPOWER) and in defeating the islamic cause (e.g., the Fard of Jihad). Whosoever does that is away from islam and is in Kufr. Unless you want to avoid their harm, when you are living under their control (like muslims in Makkah) so you fear they may harm you, then you can say to them nice words, while at same time HIDING THE HATRED to them and not supporting them in the Kufr they believe in, and not helping them against any muslim (by shaking the

muslims' aqueedah that the help can only come from the followers of Jesus). (excerpt from Tafseer-u-ttabaree) Note the beautiful ending of the ayah: for the final goal(end) is ALLAH...

So should we write or not? The answer depends on the content of the letter.

SECTION III

If the letter can be addressed to Allah by simply replacing the name of Clinton with the name of Allah, then it is definitely Haram to send such a letter. Examples include:"You are the only hope for the bosnians, we are writing you a petition to help us, please listen to the screams of the orphans and the cries of the babies, etc..". Our dignity and pride does not allow us to write such a letter to someone who makes fun of our Deen and does not know the ethics of going to the bathroom. "Or, Who listens to the distressed when he calls on Him, and Who relieves his suffering, and makes you inheritors of the earth? A god beside Allah? little is that ye heed!" ch.27 v.62

On the other hand, if the content of the letter (or the phone call) is to express our outrage and anger on the double standards and the hypocritical attitude US is playing with the muslims in the world, then it is one type of Amr bil-Ma'roof wa nahy an il-Munkar (changing the evil with our tongue). While one does not have to use obscene words or even highly emotional expressions to convey his sentiments, the core of the letter should present the inconsistency in the US stand, rather than applauding the US for being the true and fair caretaker of this world.

One might raise the issue that Prophets Musaa and Haroon were requested to speak nicely (quawlan layyinan) to Fir'awn despite his tyranny. The answer to that is: what is meant by "quawlan layyinan"?. Where in the Qur'an do we find Moussa begging (a'aouzou billah) Fir'awn to let the Children of Israel leave with him? The statements that he said to him were something like:

-Moses said:"Oh Fir'awn! I am a messenger from the Lord of the Worlds. One for whom it is right to say nothing but truth about Allah. Now have I come unto you people, from your Lord with a clear sign: So let the Children of Israel Depart along with me" ch.7 v.104-105

-Verily we are Messengers sent by thy Lord: send forth, therefore the Children of Israel with us, and afflict them not: With a sign indeed, have we come from thy Lord, and Peace to all who follow guidance.ch.20 v.47

-Send with us the Children of Israel.ch.26 v.17

On the other hand, when Fir'awn replied inappropriately to Moussa by describing him as being subject to sorcery, Moussa's reply was "I consider you indeed, O Fir'awn, to be one doomed to destruction" ch.17 v.102 (compare this incident to a recent event where a journalist described the muslims as international eunuchs, without public objection to him)a nd when Fir'awn tried to claim the role of the just ruler and caretaker "Did we not cherish you as a child among us, and did you not stay in our midst many years of life". Prophet Mussa's reply was to disclose Fir'awn tyranny and hypocrisy "And this is the favour with which you do reproach me, that you have enslaved the Children of Israel!!!"ch.26 v.22

So, it is clear that what was meant by (quawlan layyinan) is to say: "let out the Children of Israel". Not "Dear Fir'awn, please let them go. Dear Fir'awn, you are the establisher of justice in this world, don't stand in the way of freedom, etc.." Quawlan layyinan does not mean lying to the tyrant and appraising him and

seeking his pleasure, not at all..

Another justification to writing letters is to raise conflicts within the US system. As I said before, while the kuffar as a nation will never be real protectors of the muslims, it is still possible that an individual here and there comes to support the islamic cause because he hates oppression. Writing letters to the congress and the White house to exploit such people is totally acceptable, provided, again, that no lies are involved. For instance, instead of saying: (Mr. the Senator, the US has been known for its message of "freedom for all nations" and for carrying justice on earth, so please help in preserving this message by lifting the arms embargo) one should say something like (Mr. the senator, unless the US lifts its arms embargo on the bosnians, then all its claims about freedom and justice will be in vain).

The evidence to that is the story of the believer from the people of Fir'awn who had tried to help prophet Mussa through exploiting any good person who could be in the Majlis of Fir'awn by pointing out to the unfairness and injustice involved in killing Prophet Mussa. "A believer, a man from among the people of Fir'awn, who had concealed his faith said: "will you slay a man because he says, `My Lord is Allah'?-when he has indeed come to you with clear signs from your Lord?" ch.40,v.28

Everything said so far applies equally well to the UN. Even though there are muslim nations in the UN, the real decision making is in the hands of the non-muslims.

SECTION IV

It is totally acceptable to ask the US or UN to lift the arms embargo, in the context of Nahy an Munkar (while believing in our heart that they actually would wish not to do so). But it is obsolete to ask them to intervene to protect us. It is obsolete because of the following:

- We are giving the Kuffar a power in our land. Allah has informed us that whenever they get power over you they don't respect treaties with you. "How can there be such a covenant, seeing that if they get an advantage over you, they respect not in you the ties of kinship or of covenant? With fair words from their mouths they please you, but their hearts are averse from you; and most of them are rebellious and wicked".ch.9 v.8

- It is obsolete because we are implying that the materialistic factor (number of tanks, planes, ammunition) is ONLY what matters in the war between muslims and Kuffar. Allah has promised us thousands of angels to support us in our fighting if we are endowed with sabr (patience) and (takwa) "Yea,-if you remain firm, and act aright, even if the enemy should rush here on you in hot haste, your Lord would help you with five thousand angels clearly marked" ch.3 v.125 (or do we consider this a fairy tale?!!). How many times I heard it from people praying at the WH "come on brother, use your mind, who on earth can nowadays really help the bosnians?!!, other than the americans?!??" "If ALLAH helps you, none can overcome you: If HE forsakes you, WHO is there, after that, that can help you? IN ALLAH, then, let the believers put their trust" ch3.v160 "Fight them, and Allah WILL punish them by your hands, disgrace them, help you to victory over them, and heal the breasts of the believers" Ch.9 v.14

- It is obsolete because it is a shame on us, a nation that constitutes 20% of earth population, to still look around for others for help, when Allah has made the muslim responsible of Jihad, even if he is alone in the battle field, and made it a (fard) on him to encourage other muslims to do jihad "Then fight in Allah's

cause, thou art not responsible only for thyself, and ROUSE the believers, it may be that Allah WILL restrain the violence of the Unbelievers; for Allah is the strongest in might and in punishment" ch4.v84. Note that "may" when used for Allah it means "for sure" as explained by Hazrat Ibn Abbas, the great sahabee scholar of tafseer.

- It is obsolete because we are preferring the life in humiliation, under the control of americans, over the death in dignity and pride, when Allah has made it clear that the death for the sake of Allah is more valuable than all what is in this world. "And if ye are slain, or die, in the way of Allah, forgiveness and mercy from Allah are better than all they could amass"ch3.v.157

- It is obsolete because the US army is a bunch of rats who haven't tasted the meaning of courage.

SUMMARY

It is not wrong to use the SYSTEM (that holy shrine which lots of "muslims" in America respect more than their shari'ah) provided that :
- No flattering lies are involved
- Our dignity is not compromised
- we believe that the majority of americans will not help.(wa anna aktharakum fasiquun)
- We don't trust the US army will respect any covenants after its intervention.
- We don't consider Jihad as a secondary approach to help the muslims. (This last point is the most fundamental).

When referring to Seerah (life of the prophet) we find two events that apparently approve (seeking help from the Kuffar as a nation). These events are :1) Hilful-Fadul, 2) Migration to Najashee

On the other hand, there are two events that apparently approve (seeking a favor from the Kuffar as individuals): These events are: 1) Principle of Jiwar, 2) borrowing arms from some kuffar .

Finally, there are several events that apparently approve (Hiring a Kafir during the struggle between the muslims and the non-muslims). Some examples are: 1) hiring the kafir Bishr bin sufyan from the tribe of Khuza'ah as a spy on the people of Quraysh. 2) Hiring ibn Urayquit as a guide for the Prophet and Abu Bakr during their Hijrah to Madinah, etc.

Concerning hiring a Kafir, Imam Shafei has determined (see Mughne-l- Muhtaaj) that if the Imam (muslim leader) saw that the Kafir (as an INDIVIDUAL) can be trusted and was needed then he can be used in the muslim army, otherwise not. On the other hand, some scholars like Imam Malik restricted the use of Kuffar in the Muslim army to non-military jobs, such as janitors and the like.

One evidence of the above is reported by Ahmad and the six save Bukharee that when the Prophet went to the battle of Badr, a strong mushrik warrior followed him. However, the prophet turned him down saying "Go back, we don't take help from non-believers". Imam Tartooshee said in his (siraj): "This is a fundamental hadeeth preventing seeking help from the kuffar, even when the Kafir is ready to sacrifice his soul for Islam. How can people justify using the Kuffar as commanders on the muslims?" Imam Malik took this hadeeth literally. While Imam Shafei's Ijtihad was that it is up to the Imam to accept the help of a Kafir or not, and in the above case, the Prophet chose not to, hoping that this mushrik will embrace Islam. Indeed, this is what happened. Another evidence for Imam Shafei is that Quazmaan, who was a mushrik, fought with muslims in Battle of

Uhud. In case a kafir fights with muslims, he does not get the same share of Ghaneemah (war spoils) as a muslim would. Instead, he gets Radkh (bonus) before distribution of Ghaneemah in such a way that his share would be strictly less than a typical muslim share.

Concerning BUYING/BORROWING arms from the Kuffar (individuals or countries), it is Halal by Ijmaa'.(and I have heard this fatwa from Imam shaheed Sheikh Abdullah Azzam). The evidence for that is that the Prophet borrowed arms from Safwan bin Umayyah in the battle of Hunayn . Even though Safwan was an individual, he was the leader of a tribe. Furthermore, there is a clear difference between having the kuffar people fighting with us, and the kuffar arms and ammunition fighting with us. In the second case, there is no possibility that the AK-47, for example, will refuse to shoot the enemy and start instead shooting the muslims. Note, on the other hand, that SELLING arms to our enemies is not allowed. The evidence for that is trivial.

Concerning the principle of Jiwar, i.e., seeking refuge with a kafir. This principle was widely known among the arabs. If one wanted to pass in the land of his enemy and feared on himself, he could seek the protection of a strong leader of that land. In that case, no one will touch him. Prophet Muhammad was reported to have once asked the Jiwar of Mut'aam bin Adiyy. People refer to this as a justification for begging US for help.

As we have commented before, the verses of Surah Ma'idah are the final judgment in any issue pertaining to muslim-kafir relations. The Prophet asked for Jiwar after he had returned from Ta'if, i.e., way back in the beginning of the Makkah period. Hence, surah Ma'idah takes precedence. Nevertheless, by examining the story closely, we find lots of overlooked details: The Prophet made lots of attempts for Da'wah in Makkah. He didn't get any considerable public response. He decided to go Ta'if. There, people met him with stones and thorns. He was forced to go back to Makkah. However, by that time, the people of Makkah decided to prevent him from entering Makkah! He was stuck. He wanted to deliver the message of Islam and there was no way to do it except by going back to Makkah. He started looking for someone to help him in entering and DELIVERING THE MESSAGE. He talked first to Akhnas bin Shurayk. Akhnas refused to sponsor the spread of Islam. He then talked to Suheil bin Amr who also refused to take the risk. Finally, Mut'aam bin Adiyy accepted to sponsor the prophet, essentially offering to take the risk for protecting the SPREAD OF ISLAM. Prophet Muhammad appraised Mut'aam's position and later, after the battle of Badr, commented saying "Had Mut'aam come and asked me to free the POW's of Badr, I would have freed them for him". So, the Jiwar of Mut'aam was really a protection for Da'wah by a Mushrik who liked the prophet and decided to help him. The same explanation applies to the protection provided by (the Kafir) Abu Talib, the uncle of the prophet. He liked the prophet and knew he was right and decided to protect his Da'wah for that purpose. How much common, do we have nowadays between Clinton and Mut'aam bin Adiyy or Abu Talib?!!??!

There remains the issues of Hilful-Faduul and the Hijrah to Najashee. Before proceeding, however, I would like to comment on an ayah that a brother once mentioned to me in the context of begging the Kuffar for help. The ayah is about Prophet Yusuf when he was in jail and asked a prisoner who was about to be freed "Uzkurnee 'inda rabik" i.e., mention my name to your master. I hope that it is clear that Prophet Yusuf was not begging at all. If he was ready to beg for the sake of leaving the jail, he would not have simply interpreted the king's dream without asking for anything in return. He was simply telling the prisoner that he was detained unjustly, and requested him to mention that to his master. His main interest was to spread Da'wah, as can be seen from his discussions with the prisoners. Clearly, there are more chances to spread Da'wah outside the jail than inside it !! Finally, there is no clear cut evidence that the master was a kafir.

SECTION V

Seeking the help of the Kuffar as a nation is not at all allowed. Imam Sarakhsee (a famous hanafee scholar) said in "almabsoot" (a well known fiqh reference) in the chapter of Siyar: "(Imam Ahmad and Nasa'ee) reported that the prophet was going for the Battle of Uhud when he saw a good looking battalion. He inquired about is and was told that it is a battalion of jews who were willing to help the muslims in their battle. The Prophet's reply was: we don't seek help from kuffar". (Imam Sarakhsee said) and its interpretation is that they were forming an independent battalion and were not fighting under the flag of muslims. For us (i.e., the hanafees) we can only accept their help if they fight under the flag of muslims (i.e., receiving commands form the Muslim general). If, however, they wanted to fight independently then we don't accept their help. This is the interpretation of the hadeeth "do not be enlightened by the fire of Mushrikeen" and the hadeeth "I am not responsible of any muslim who has fought with a mushrik". (end of Imam Sarakhsee's statement).

On the other hand, people constantly refer to Hilful-Faduul and the story of Najashee as a justification for seeking the help of Kuffar.

1- Hilful-Fadul: cooperation with the Kuffar to establish justice on earth.
What is the story of Hilful-Faduul? A man from Zubayd tribe once came to Makkah for trade. Al'aas bin wa'el, a famous Quraysh leader bought everything the Zubaydee man had but refused to pay him any money! The Zubaydee man went to several leaders of Makkah but they refused to listen to him. He went to the top of a mountain close to Makkah (mountain Abu Kubays) and started yelling and complaining. The leaders of Quraysh gathered and decided (in Thul-Qu'dah) to unite and be one hand with the oppressed. The treaty they signed was called Hilful-Fadul (in the memory of 3 good people each of which was named Fadl). The prophet was very happy when he attended that meeting and commented later after prophethood that if he were called for a similar meeting in Islam he would answer the call.

What can be concluded from this event? It can be concluded that there is nothing wrong with COOPERATION with the non muslims in establishing justice. The prophet was happy because something CONCRETE was achieved.
a- The Zubaydee man GOT BACK what HE lost.
b- He was encouraged to continue making trade.
c- His complaint was heard promptly.
d- Quraysh leaders helped him against their brethren.
e- The participators in Hilful-Fadul never harmed the muslims (there were none).

Compare between this event and the history of the United Nations.
a- The palestinians lost the land and the JEWS got it instead, under the benediction of all christian countries.
b- Sudan cannot run international trade because it is an islamic country.
c- Bosnians complaints are still to be heard.
d- European community is happy watching their brethren in Serbia do what they are doing. No one cares about the massacres of Kashmir, tajikstan, etc.
e- The middle east was fragmented into 4 small pieces :1)2)Syria and Lebanon given to France,3) the Jordan desert was called a kingdom and given to Prince Abdullah. 4)and Palestine was kept to be given later to the jews. France was given Morocco as a prize to forget about egypt. Italy has conquered Libya and caused its people various types of torture. Spain still controls Ceuta and Melilla and some other Moroccan islands till now. After the 2nd world war, the jews took over Palestine with the help of US and UK. When Imam hassan Banna was nominated for the egyptian parliament, a coup d'etat was organized by the americans to allow Jamal al-abd alkhaser to become the president of egypt and smash the Ikhwan. When Sudan started expressing its attempt to apply Shari'ah, Sadik AlMahdee (prime minister) received a call from US that americans are ready to support the economy of Sudan (with wheat etc.) only if Sudan changes

its mind regarding the application of Shari'ah. Pakistan is now considered a terrorist country because it is a muslim country developing nuclear arms for self defense, while at the same time India is being blessed for its nuclear programs. When Iraq showed the possibility of producing some arms that can be a good resource for the muslims later in the future, there was a near Ijmaa' regarding crushing the resources of Iraq and Saddam Hussein was kept as a leader. Before that Iraq was helped intensively in his battle with Iran, only to make sure that no one claiming islam should ever survive. and the list goes ....

"Allah forbids you not, with regard to those who fight with you not for Faith, nor drive you out for your homes, from dealing kindly and justly with them : For Allah loveth those who are just. Allah only forbids you, with regard to those who fought you for your Faith and drive you out of your homes, and SUPPORT IN DRIVING YOU OUT, from turning to them for friendship and protection. It is such as turn to them (in these circumstances), that do wrong." ch60,v8-9.

After all of the above, how can we dare making a comparison between UN and Hilful-Faduul, wa la hawla wa la kuwwata illa billah.

2- Hijrah to Habashah: seeking protection in a christian country

What is the story of Hijrah to Habashah? Muslims were oppressed in Makkah. They were not able to perform their daily practices. They were told by the prophet that Najashee - being a JUST ruler - would not prevent them from living their Islam freely. Up to 80 people migrated including Othman ibn Affan and his wife Ruqayyah: the prophet's daughter, Zubayr bin Awwam, Mus'ab bin Umayr, Abdurrahman ibn Awf, etc. They only migrated to another land. They didn't even go to visit Najashee or meet him with white costumes. They only settled in the new area which was less dangerous for them. It was only when two people from Quraysh (Amr bin 'Aas and Abdullah bin Abee Rabi'ah) went to Najashee to ask him for the muslims that some sahabah representatives (Jaafar bin Abee talib et al) had to go to him to defend their case. After doing so, Najashee confessed that the messages of Muhammad and Jesus came from the same source. Indeed, the prophet declared publicly that Najashee has converted to Islam and prayed on him when he died. Imam bukharee reported that when the Najashee died the prophet said "Today, a pious man has died. Go and pray on your BROTHER As'hama (the Najashee). More than that, the Qur'an describes the reaction of the najashee companions (the bishops) as follows:
"..Because amongst them these are men devoted to learning. And men who have renounced the world, and they are not arrogant.
And when they listen to the revelation received by the Messenger, thou wilt see their eyes overflowing with tears, for they recognise the truth:
They pray:"Our Lord! WE BELIEVE, write us down among the witnesses.
What cause can we have not to believe in Allah and the TRUTH which has come to us, seeing that we long for our Lord to admit us to the company of the righteous" ch5.v83-84

Note the following about this incident:
a- Najashee was described as just.
b- Najashee respected the muslims' religion.
c- Najashee loved the good muslims
d- Najashee refused to cooperate with the oppressors of Quraysh.
e- Najashee's companions were devoted to learning, denounced the world, and were not arrogant.

Compare that case with the americans's:
a- Ultimate in oppression by vito-ing every attempt to return the Palestinians back, (I would leave it to a black muslim brother to cite the various kinds of oppression they have faced in this country), etc.
b- They have repeatedly shown and expressed hatred to Islam. Some -like Kissinger when he was Minister for external relations - even declared openly that "we will never allow an islamic state to exist".

c- Whenever a group of devoted muslims start working in their country to delete Kufr and corruption, they get labelled by the americans as terrorists. The jews are not terrorists, but Hamas followers who are trying to get back their rights are terrorists.
d - Americans are ready to cooperate with every single regime that is willing to fight "fundamentalism". Egypt is no exception. When no-mubarak asked for some good muslims to be punished, they were delivered to him via express.
e- The congressmen, senators, etc. are people devoted to corruption, alcoholism, homosexuality, fraud (remember the last FBI case), etc.. They are all dying for the sake of this world, and have displayed the most disgustful forms of arrogance.

After that comparison, is it fair to say: the Najashee and his company were a mirror image to the american system we have nowadays ?!?!

whatever good I said is pure bounty from My Lord, whatever bad is due to my sins and mistakes.

"Rabbanaa taquabbal minna innaka anta-ssami'ul-'aleem"
THE END.

FOOD AND DRINK

(According to the Qur'an and Sunnah, as extracted and inferred by scholars of the Hanafi school.)

From "*Mukhtasar al-Quduri*", a matn of Hanafi fiqh

1.0 HUNTING

1.1 Permissibility

1. The hunting of a Zoroastrian, apostate or idolater may not be eaten.

2. It is permissible to hunt those animals whose meat may be eaten, and also those which may not be eaten.
   - If one slaughters that whose meat may not be eaten, its flesh and skin become pure, except for the human and the pig, for slaughter does not have any effect on them [for the purpose of useability]

1.2 Use of Animals

1. It is permissible to hunt with a trained dog, panther, falcon, or any other trained predatory animal or bird.
   - The training of a dog is : that it refrain from eating three times.

- The training of a falcon is : that it return when you call it.

2. So, if one sends his trained dog, or falcon, or hawk, and mentions the name of Allah, the Exalted upon it at the time of sending, and then [the animal] seizes the prey and wounds it such that it dies, it is permissible to eat it.
   - If the dog eats from it, it may not be eaten, but if the falcon eats from it, it can be eaten.
   - If the dog strangles [the prey] and does not wound it, it may not be eaten.
   - If an untrained dog - or a Zoroastrian's dog, or a dog on which the name of Allah, the Exalted was not mentioned - participated with [the trained dog], it may not be eaten.

3. If the sender reaches the prey alive, it is obligatory upon him to slaughter it, and so if he refrains from slaughtering it until it died, then it may not be eaten.

1.3 Shooting

1. If a man shoots an arrow at prey, and mentions the name of Allah at the time of shooting, he may eat what he strikes provided the arrow wounded it so that it died [as a result]. But, if he reaches it alive, he [must] slaughter it, and so if he refrains from slaughtering it until it died, then it may not be eaten.
   - If the arrow strikes, and the animal struggles [and moves] so that it disappears from him, but he continues to pursue it until he overcomes it dead, it may be eaten. But, if he sat back from pursuing it, and then came upon it dead, it may not be eaten.
   - If he strikes quarry which then falls into the water and dies, it may not be eaten.
   - Similarly, if it falls on an inclined surface or mountain, and then tumbles down to the ground, it may not be eaten, but if it falls to the ground initially, it may be eaten.
   - If someone shoots a quarry, and strikes it without incapacitating it nor preventing it from escaping, and then someone else shoots it and kills it, it is his and may be eaten. But, if the first one incapacitates it and then the second one kills it, it may not be eaten, and the latter must reimburse the former for its price less its wound

2. That which a featherless arrow strikes with its breadth may not be eaten, but if it wounds [the quarry] it may be eaten.
   - That which is struck by a pebble may not be eaten if

it dies from that.

3. If one shoots at quarry and severs a piece from it, [the animal] may be eaten, but the piece may not be eaten. But, if he cuts it in thirds, and the major portion is adjacent to the rump, then it may [all] be eaten. If the major portion is adjacent ot the head, the larger portion may be eaten, but the lesser one may not.

2.0 SLAUGHTERING

2.1 Conditions for Slaughtering

1. The slaughter of a Muslim or a Kitabi is permissible [to eat].
   - The slaughter of a Zoroastrian, apostate, idolator or [Muslim] in ihram may notbe eaten.

2. If the slaughterer omitted the pronouncement of the name [of Allah] deliberately, then the slaughter is carrion which may not be eaten. But, if he left it out forgetfully, it may be eaten.

3. The vessels which must be severed in slaughtering are four : the trachea, the oesophagus and the two jugular veins. So, if he cut [all] these, eating [from the animal] is permissible. If he cut most of them, then similarly [it is valid] according to Abu Hanifah. Abu Yusuf and Muhammad said : it is essential to cut the trachea, the oesophagus and one of the two jugular veins.
   - If one reaches spinal cord with the knife, or severs the head, that is repugnant for him [to do], but the slaughter may be eaten.
   - If one slaughters a ewe from the back of its head, then if it remains alive until he severs the [required] vessels it is valid but repugnant. But, if it dies before the cutting of the vessels it may not be eaten.

4. It is permissible to slaughter with sharp reed or stone, or anything which causes the blood to flow out, except for an intact tooth or an intact nail.
   It is recommended that the slaughterer sharpen his blade.

2.2 The Animal

1. An animal with severed ears or [severed] tail does not suffice, nor one from which the major part of the ear has gone. But, if the major portion of the ear or tail remains, it is permissible.

2. It is permissible to immolate hornless, castrated, mangy or insane animal.

3. Immolation is [only] from amongst camels, cows and sheep [or goats].
   A ***th**aniyy*, or better, of [any of] these suffices, except for the sheep, of which a ***j**a**dh**a*` suffices.

4. If one pierces a camel, or slaughters a cow or sheep, and then finds in its belly a

dead fetus, it may not be eaten, whether its features are discernible or not.

2.3 Methods of Slaughter

1. Domesticated game must be slaughtered, and wild livestock may be wounded [as in hunting].

2. The recommended [technique] for camels is piercing, but if one slaughters them, it is valid but disliked.

3. The recommended [technique] for cows and sheep is slaughtering, but if one pierces them, it is valid but disliked.

3.0 WHAT MAY AND MAY NOT BE EATEN

1. It is not permissible to eat any canine-toothed beast of prey, nor any taloned [predatory] bird.
    - There is no objection to [eating] the agrarian crow, but the speckled one which eats corpses may not be eaten.
    - It is repugnant to eat the hyena.

2. [It is repugnant to eat the] lizard and all vermin.

3. It is not permissible to eat the flesh of the domesticated donkey or mule.
    - The meat of the horse is repugnant according to Abu Hanifah.

4. There is no objection to eating the rabbit.

5. Nothing may be eaten of the animals of the water except fish.

6. It is repugnant to eat floating [fish which died on their own].

7. There is no harm in eating the *jirrith* and eel

8. It is permissible to eat locusts, and there is no slaughter [needed] for them.

4.0 BEVERAGES

1. The [unanimously] prohibited beverages are four:
    - Wine, which is the juice of grapes when it ferments, becomes intoxicating and emits froth.
    - [Tila : grape-]juice when it is boiled until less than two-thirds of it disappear [and it becomes intoxicating].
    - [Sakar :] infusion of dates [when it ferments and is

intoxicating].
- [Naqi` :] infusion of raisins when it [ferments and] is intoxicating.

2. Fermented juice of dates and raisins, if each of them is cooked [with] the slightest cooking, is permissible, even if it is intoxicating, provided one drinks from it [such an amount] that one is reasonably sure that it will not intoxicate him, [and provided it is not drunk] for fun or amusement. [Under the same conditions:]
    - There is no objection to khalitan .
    - The fermented juice of honey, fig, wheat, barley and corn is permissible even if it has not been cooked.
    - Grape-juice, if it is cooked until two-thirds of it disappears and one third remains, is permissible even if it is intoxicating.
    - [All of this is according to Abu Hanifah and Abu Yusuf. Muhammad said : the above are all prohibited, even in small quantities, and regardless of the reason for drinking, and his is the verdict of the madhhab.]

3. There is no objection to preparing juice in gourds, earthenware, pitch-coated vessels, or hollowed wooden vessels.

4. When wine turns to vinegar, it becomes permissible, whether it turned to vinegar on its own, or because of something cast into it. It is not repugnant to make it into vinegar.

Prohibition and Permissibility

Prohibition and Permissibility

(According to the Qur'an and Sunnah, as extracted and inferred by scholars of the Hanafi school.)

From "*Mukhtasar al-Quduri*", a matn of Hanafi fiqh

- **There is no harm in reclining on it according to Abu Hanifah. Abu Yusuf a Muhammad said : It is repugnant to recline on it.**

- **a ring**
- **[decorations of] a belt**
- **the decoration of a sword from silver.**

correct reading].

6. There is no harm in decorating the mushaf, engraving mosques and decorating them [on the outside] with gold-water.

2.2 Vessels

1. It is not permissible to eat, drink, use oil or perfume from vessels of gold or silver, for men and women.
   - It is permissible to drink from a silver-decorated vessel according to Abu Hanifah, and [similarly] to ride on a silver-decorated saddle and to sit on silver-decorated bed.
2. There is no harm in using vessels of glass, crystal or cornelian.

3.0 LOOKING AND TOUCHING

3.1 Looking at Women

1. 1. It is not permissible for a man to look at a stranger-woman, except at her face and hands. But, if he did not consider himself safe from lust, he may not look at her face except out of need.

   [But] it is permissible for

   - the judge, when he wishes to pass judgement over her
   - the witness, when he wishes to testify concerning her
   - [the suitor, when he is considering proposing marriage to her]

   to look at her face, even if he fears he may experience lust.

   - It is permissible for the doctor to look at the place of affliction on her.

   The [regulation] of a eunuch regarding looking at a stranger-woman is like [the regulation for] a non-eunuch.

   A slave may not look at his mistress, except at that [part] of her which it is permissible for a stranger-man to look at.

2. A man may look at his mahram female relatives' face, head, chest, shins and arms, but he may not look at their back or belly. There is no harm in touching what it is permissible to look at [of the mahrams].
   - A man may look at that [much] the slave-girl of someone else as he may look at of his mahrams. There is no harm in him touching that if he inten to buy, even if he fears he may experience lust.

3. A man may look at his slave-girl who is lawful to him, and at his wife, [entirely, even] upto her genitals.
   - One may practise coitus interruptus with his slave-girl without her permission, but he may not practise it with his wife except with her permission.

4. A woman may look at that [much] of another woman that a man may look at of another man.

3.2 Looking at Men

1. **A man may look at all of the body of another man except for what is between his navel to his knee.**
2. **It is permissible for a woman to look at that [part] of a man which another man may look at.**
3. **It is disliked to employ the service of eunuchs.**
   - **There is no harm in castrating cattle, nor in mating a donkey with a hors**

4.0 CREDIBILITY

1. **It is permissible to accept, in [the matter of] a gift or permission, the word of a child or slave.**
2. **The word of a transgressor is accepted in transactions.**
3. **Only the word of a reliable person is accepted in religious matters.**

5.0 TRADE

1. **Hoarding is repugnant in staple-foods of humans and cattle, if that is in a land in which hoarding harms the inhabitants.**
2. **One who hoards the produce of his [own] estate, or what he has imported from another land, is not [termed] a hoarder.**
3. **It is not appropriate for the authority to regulate prices for people.**
4. **It is repugnant to sell weapons in times of sedition.**
5. **There is no [judicial] objection to selling juice to someone whom it is known will produce wine from it.**

On the Prohibtion of Pork

On the Prohibition of Pork

Someone enquired about the prohibition of pork, saying :
"True, it's meat is not entirely healthy since it has a high cholesterol content, but surely this cannot be the only reason since smoking, which is deadly for you too, is not "haram". As far as health reasons are concerned, there are a number of things that are not entirely good for you (such as fatty food, even beef in large quantities), but they have not been declared haram. Plus, the animal is no longer "dirty" since the pig breeding farms are kept extremely clean these days. So what is it about the pig that makes it so revolting, and has been specifically mentioned in the Quran as the forbidden animal?"

Firstly, it should be clarified that the existence of -definite- harm -is- a cause for prohibition in Islam, based on the generality of Qur'anic and hadith texts prohibiting contributing to one's own destruction, and harming oneself or others. Hence, the correct view is that smoking is indeed prohibited, due to its scientifically proven harmful effects. As for the harmful effects of beef, and the like, in large quantities, we may comment that :

i) Excessiveness -is- prohibited in Islam
ii) Assuming beef is eaten only within moderation, the ill-effects of cholesterol, etc, can be minimized and the risks reduced significantly by other factors, such as a balanced diet whose other elements offset some of the effects of red meat, and also by exercising, etc. Hence, there is not a direct link between beef and ill-health; rather it is a combination of numerous factors.

Now, as for pork's prohibition : The Qur'an clearly prohibits pork, and informs us of its uncleanness. As believers, we believe and affirm, with conviction and submission, that the pig is unclean. It is possible that this includes sanitary uncleanness (it is said that pigs eat their own excrement, for example), and the presence of microbes, etc in pork, but this does not rule a spiritual uncleanness, such that even if one hypothetically postulates a pork free of all microbes, that would not justify making it permissible. Allah's knowledge is greater and deeper than ours, and perfect and all-embracing, whereas science is incomplete and constantly changing -- new discoveries are made, old theories are abandoned. Hence, even if we cannot discover the wisdom behind a particular divine injunction, this does not exempt us from following it.

After writing the above paragraph, I came to learn that pigs contain viruses 'built into' their genes, and such viruses would not disappear merely through clean breeding conditions and the like. The following was stated in the Los Angeles Times of 06/15/97 :

> ***"Genes from an animal virus could mingle with those of a human virus in an organ recipient, creating a hybrid virus with unpredictable behavior.***
>
> ***Keeping animals isolated from infection may not be enough. Some viruses scientists are concerned about aren't caught; they're inherited.***

They're just part of being a pig, for example. That's because, eons ago, these viruses infected the ancestors of modern pigs and planted their DNA in sperm and egg cells. As a result, the virus genes mingled with the pig genes and are now passed on through the generations."

The Associated Press, on 10/15/97, and Reuters also carried articles about these 'porcine endogenous poxviruses,' in the context of xenotransplantation (using organs from one species for another). Reuter quoted Jonathan P. Stoye, a virologist at the National Institute for Medical Research in London, as saying,

"Although we do not yet know which proviruses are capable of yielding infectious virus, the number of poxviruses present suggest that the breeding of virus-free pigs, if at all feasible, will represent a complex task."

It has also been reported that pork has a high likelihood of containing trichinae worms, and that it can bear microbes which lead to meningitis.

It may be noted, that the Bible too, condemns swine-flesh.

"And the pig, though it has a split hoof completely divided, does not chew the cud; it is unclean for you. You must not eat their meat or touch their carcasses; they are unclean for you." **[Leviticus, 11:7,8]**

"The pig is also unclean; although it has a split hoof, it does not chew the cud. You are not to eat their meat or touch their carcasses." **[Deuteronomy 14:8]**

As for the practice of consuming pork, which is widespread among Christians today, it can be traced back to Paul's lifting of most of the obligations of the Jewish Law. Paul claims to 'know and be persuaded':

"that nothing is unclean in itself; but it is unclean for any one who thinks it unclean." [Romans 14:14]

I know of no explicit statement or practice of Prophet Jesus (peace be upon him) reported in the New Testament which supports this. The incident reported in Mark 7 and Matthew 15 is not entirely explicit in its evidentiary capacity, and one might do well to examine the 'original' Greek statements of those books, and then to reflect over how accurately those Greek writings might have recorded the actual, Hebrew/Aramaic statement of Prophet Jesus (assuming that the incident in question did in fact take place), especially given the statement attributed to Jesus (peace be upon him) in Matthew 5:17-20:

"Think not that I have come to abolish the law and the prophets; I have come not to abolish them but to fulfill them.

For truly, I say to you, till heaven and earth pass away, not an iota, not a dot, will pass from the law until all is accomplished.

Whoever then relaxes one of the least of these commandments and teaches men so, shall be called least in the kingdom of heaven; but he who does them and teaches them shall be called great in the kingdom of heaven.

For I tell you, unless your righteousness exceeds that of the scribes and Pharisees, you will never enter the kingdom of heaven."

It is perhaps worth noting here that not all Christian sects condone the consumption of pork; the Seventh-Day Adventists, for example, prohibit it. In any case, even if, for the sake of argument, one were to postulate that Jesus (peace be upon him) had allowed pork (which, incidentally, is a shaky postulation, given the medical evidence of its harmfulness), it should be realized that the Law of Jesus, like the Law of Moses, is now abrogated. And, when Jesus, son of Mary, returns to this world, he will observe the Law of Muhammad (peace and blessings upon him), and will therefore affirm the prohibition of pork. Furthermore, he will slay pigs, among his other activities, as testified to by the authentic hadith literature.

And Allah knows best.

The Meaning of Wajib

In the name of Allah, Most Gracious, Most Merciful. All praise is due to Allah, the Lord of the Universe. Peace and blessings be upon The Final Prophet and Leader of the God-fearing, Muhammad, and upon his virtuous Household, his righteous Caliphs and noble companions, his heirs from among the practising scholars, and upon all who follow them in goodness upto the Day of Judgement.

Assalamu `alaykum

But the obligarion to recite surah al-Fatihah in salah, or to perform salat al-witr ... are on the other hand classified under wajib, as they are both established in the authority of hadith whose authenticity is not completely free of doubt.

Some clarification is in order here. It is not strictly true that a wajib is based on a hadith whose authenticity is doubtful. In fact, a weak hadith cannot, generally, be used in legislation of rulings (aHkaam). What is more accurate is to say that a Wajib, in the Hanafi school, is an obligation which is almost Fard, except that there is some (margin of uncertainty, which may occur in the form of counter-evidence, which suggests non-obligatory nature of the deed), and the scholars have therefore refrained from pronouncing a decisive verdict of "fard" on it. Nevertheless, for purposes of action, a wajib is treated like a fard, in that it should not be deliberately discarded, and it must be made up if it was missed for some reason. For this reason, 'wajib' of the Hanafi school is also known as "fard `amali" (i.e. an 'action fard') as opposed to fard i`tiqadi ('belief fard'), the normal fard, which one is required not only to act upon, but also to believe with full certainty and conviction that it is without doubt a duty.

I will illustrate the meaning of the Hanafi term wajib by reference to the 2 examples cited above.

1. Witr

There is no dearth of authentic ahadith about the Witr prayer, the

fact that the Prophet (may Allah bless him and grant him peace) performed it himself on a regular basis, and that he encouraged others to observe it. There is evidence indicating that the Witr prayer is obligatory, e.g. the various narrations of the hadith: "Witr is a binding obligation, and so whoever does not perform witr is not one of us." Hafiz Zayla`i has recorded these ahadith, with their sources, in "Nasb al-Rayah". However, Imam Abu Hanifah refrained from pronouncing witr as fard, due to the existence of counter-evidence, e.g. the hadith reported by Bukhari and others, about the Bedouin who asked the Prophet about the 5 pillars of Islam. When the Prophet told him about the 5 daily prayers, he asked, 'is there anything in addition to this?' and the Prophet said, 'No, unless you wish to do something optional.' Yet, the Witr is certainly not an ordinary sunnah either, because of the warnings to those who abandon it, and because of the Prophet's regular observance of it - the Witr prayer and the 2 sunnah of Fajr are prayers which he never abandoned, even on a journey. Thus, witr is wajib according to Imam Abu Hanifah.

Incidentally, witr is also considered one of the most important non-fard prayers by the other schools, and it can be made up later if it was missed for some reason. It has been reported that Imam Ahmad ibn Hanbal said that if a person who used to be regular in performing witr gives it up, he loses his respectability and credibility, so that his testimony will not be accepted in an Islamic court. Imam al-Shafi`i was asked about witr, and he said it is sunnah, but that he will not permit anyone to leave it off.

2. Recitation of the Fatihah

Again, there are abundant authentic ahadith about recitation of the Fatihah, such as that extracted by Bukhari and others, "There is no prayer for the one who did not recite the Opening of the Book (i.e. the Fatihah)". Based on these ahadith, the 3 Imams (Malik, al-Shafi`i and Ahmad) said that the Fatihah is a fard, and the prayer is invalidated if it is omitted deliberately. The Hanafi view is that is wajib rather than fard, and their reasoning is as follows:

The first primary source of legislation is the Noble Qur'an, and in it Allah says, ("Recite what is easy for you of the Qur'an"). The applicability of this verse to salah is confirmed by the hadith, reported by Bukhari and others, of the man who was performing his salah badly, and was told repeatedly by the Prophet to repeat it. Finally, the Prophet taught him how to pray, and part of Bukhari's narration says, "idha qumta ilaS-Salaati fa-kabbir, thumma qra` maa tayassara ma`aka min al-qur'aan" (When you stand up for prayer, pronounce Takbir, then recite whatever is easy for you out of (those portions of) the Qur'an which you have memorized."

The basis here is still the verse of the Qur'an mentioned above (it is in Surah al-Muzzammil). Now, one of the principles of the Hanafi

school is that a verse of the Qur'an cannot be abrogated (cancelled) by a singular (aaHaad) hadith; something legislated in the Qur'an can only be modified by mass-narrated (mutawatir) hadith which leave no room for uncertainty. However, in this case, the hadith about reciting the fatihah have been claimed to be at the level of mutawatir. (See al-Kittani's "Nazm al-Mutanathir min al-Hadith al-Mutawatir" for example.)

The Hanafi response is that even if the ahadith are mutawatir, they are still not absolutely definitive and conclusive, because they do not necessarily mean that the Fatihah is Fard. The hadith quoted earlier, for example, could mean "the prayer of the one who did not recite the Fatihah is deficient and lacking.' This is acceptable Arabic diction, and in the same light do we interpret the hadith "The fornicator is not a believer while he fornicates", i.e. his faith is not perfect, not that he is a kafir, for by consensus he enters Heaven eventually, even if he dies in the very act of fornication, provided he maintains the correct doctrine. Another example, which serves to illustrates the issue is that which has been reported about the Prophet, that he said, "There is no wudu for the one who did not mention the name of Allah over it". Again, the majority of scholars have agreed that the "Bismillah" at the start of wudu is sunnah rather than farD.
[NOTE: Generally, if a hadith is mutawatir, it is not permissible to depart from the primary/literal meanings of the words. However, in this instance, such intepretation is made in the light of conflict with another mutawatir evidence, namely the verse of the Qur'an already cited.]

In fact, some Hanafi scholars have even ventured to say that the Fatihah is wajib not because of the ahadith alone (for as mentioned already, they do not suffice to establish a fard in this case); rather, it is wajib because of the Prophet's persistent and continuous practice of never omitting it in a prayer, so that it would very likely be considered wajib even in the absence of the hadith "There is no prayer for the one who does not recite the Fatihah".

For reference, we may mention that the wajib constituents of the salah are at least 12 in number:

1. **Recitation of the Fatihah in every rak`ah of every prayer (this is the safer position, arrived at by latter Hanafi scholars, and is in accordance with the other 3 schools, although Imam Abu Hanifah himself, as well as his two Companions (Abu Yusuf and Muhammad ibn al-Hasan), considered recitation in the last two rak`ahs of the Fard prayer to be only sunnah. Nevertheless, our example is the Prophet, and there is no report of the Prophet ever having left out the Fatihah in any rak`ah, and therefore we should follow this, especially since there is a risk of the prayer becoming void if the Fatihah is not recited, whereas there is no harm (and in fact it is preferable) even**

according to Imam Abu Hanifah, if the fatihah is recited even in the last 2 rak`ahs of the fard prayer.)

2. Recitation of an additional portion of the Qur'an in every rak`ah of every prayer, except for the last two rak`ahs of the fard prayers.
3. Standing up from ruku`. This is a point often neglected by people.
4. Sitting calmly between the 2 sajdah (prostrations), as opposed to rushing the sitting in a manner reminiscent of a pecking rooster.
5. Sitting (for tashahhud) after two rak`ah of a prayer which is more than 2 rak`ah. (The final sitting is fard).
6. To perform the constituents of the prayer in their correct sequence. This refers only to forgetfulness, so that if a person forgot to make the second sajdah of the first rak`ah, and remembered while he was performing the sajdah of the second rak`ah, he can make up the missed sajdah. Otherwise, to perform the actions in order within a single rak`ah is fard.
7. To perform all the constituents of the Salah with tranquility and calmness, and not to rush.
8. To recite the tashahhud in the final sitting
9. To end the prayer with at least one (verbal) Tasleem.
10. To recite Du`a Qunoot in Witr.
11. To perform the additional takbeers in the Prayers of the 2 Eids.
12. To recite aloud in the first 2 rak`ahs of the the Fajr, Maghrib and `Isha prayers, and to recite softly in all others. This is for the imam. As for the individual worshipper, it is wajib for him not to recite aloud in the Zuhr and `Asr prayers, the last rak`ah of the Maghrib prayer, and the last 2 rak`ahs of the `Isha prayer.
13. To perform sujood-as-sawh (Prostrations of Forgetfulness) if any of the wajibs other than #7 are omitted unintentionally.
14. Some have included among the wajibs: To pronounce takbeer before the Du`a Qunoot of Witr.

Finally, we may point out that unintentional omission of a wajib of salah does not invalidate the prayer, according to the Hanafi school. However, it is wajib to compensate it by performing sujood-as-sahw at the end of the prayer. If the sujood as-sahw is deliberately omitted, the prayer is defective and the person potentially liable to sin. Deliberate omission of any wajib has the same effect according to one of the positions of the school. (i.e. the obligation (fard) of the prayer is discharged, but the person is fasiq - liable to Divine according to one of the positions of the school. (i.e. the obligation (fard) of the prayer is discharged, but the person is fasiq - liable to Divine Punishment). Others have ventured that deliberate omission of a wajib invalidates the prayer, and this is also the view of the Hanbalis (yes, although I am no expert on the Hanbali madhhab, my understanding is that they also have a concept of wajib vs. fard

in salah. Certainly, the Shafi`is and Hanbalis, in addition to the Hanafis, (I don't know about the Malikis) make the fard vs. wajib distinction in Hajj, where unintentional omission of a wajib necessitates sacrifice of an animal.)

This article has already turned out to be longer than I intended, so I will stop here without touching on the evidences as to why omission of a wajib may incur a sin, or deprive one of the Intercession of the Prophet (may Allah bless him and grant him peace).

Everything correct is from Allah. Any errors are from myself and Satan.

O Allah! Teach us that which benefits us, and benefit us by what You have taught us, O Most Merciful of the merciful!

And may Allah grant blessings and peace to our prophet, Muhammad, and to all his Household and Companions.

Dealing with Non-Muslims

Dealing with Non-Muslim

We know that Islam give us guidelines for how to interact with people, as well as how to communicate with Allah. Part of this is how we deal with non-Muslims, and this is an important topic, especially for people who are living in the midst of a non-Muslim society. It becomes even more important to be clear on the fundamental points regarding this when we find people sometimes going to an extreme. On one extreme, some people claim that there is no difference between a Muslim and a follower of another religion, and that all religions are equal. This is in clear contradiction to the Qur'an and sunnah, and hence is kufr. On the other extreme, some may incline towards stripping non-Muslims of all rights and humanity, and being totally biased and hateful against them. This position, too, overlooks important Qur'anic guidelines. A Muslim is not supposed to have unjustified, closed-minded or unreasonable hate towards people as a preconceived rule.

1. Good character and respect for fundamental rights

A Muslim is supposed to deal with people kindly and justly, unless they are open enemies to Islam and/or Muslims.

"Allah does not prohibit you from being kind and just to those who have not fought you on account of religion, nor expelled you from your homes. Allah loves those who are just. Allah only prohibits you from being intimate friends with those who have fought you on account of religion, and expelled you from your homes, and assisted others in your expulsion. Whoever befriends them is a wrongdoer." [Surah al-Hujurat (60), 8-9]

"Treat people with good character." [Narrated by Tirmidhi, who said it is a good hadith]

Hence, traits such as truthfulness, justice, kindness, honesty should be part of the Muslim's character whether he is dealing with Muslims or non-Muslims. Lying to non-Muslims, cheating them and backbiting them might become permissible in certain circumstances of war, as may killing them, but generally, when one has entered their lands under a 'peaceful' agrement (such as a visa), he is

expected to abide by common standards of decency as long as it does not violate any injuctions of Islam. In fact, even in war, the Prophet gave some limits:

"The Messenger of Allah, when sending out dispatchments, would say, "Go forth in the name of Allah, fighting in the path of Allah those who disbelieve in Allah. Do not behave treacherously, nor mutilate, nor kill children or those [secluded] in hermitages." [Ahmad. Thanwi graded it as hasan in I`la al-Sunan, 12/354]

If a warrior is not supposed to be treacherous, then even more so one who enters on a peaceful agreement.

"The treacherous one will have a banner hoisted for him on the day of Resurrection." [Abu Dawud, Bukhari, Muslim, Nasa'i]

In a narration with al-Hakim, which he graded authentic, and Dhahabi corroborated him, "When a man has confidence in another man, and then he kills him after he had confidence in him, a banner of treachery will be hoisted for him on the Day of Resurrection."

A Muslim is supposed to respect the human rights not only of Muslims, but even of dhimmis (non-Muslim subjects of the Islamic state). According to some ahadith, severe warning is reported for violating the property or lives of dhimmis.

"Whoever unjustly kills a person of the covenent of dhimmah, Allah has prohibited Heaven for him." [Abu Dawud, Nasa'i; Bukhari, Ibn Majah, Ahmad, Tirmidhi(hs), Darimi]

However, the Muslim is not to lose sight of Islamic injunctions in his/her dealings either. Clearly, one may not be nice to people at the expense of compromizing Islamic principles.

2. Universality of the Islamic message

In particular, the Muslim realizes that Islam is Allah's final revelation for all of mankind. Muhammad (peace and blessings be upon him and his Household) was sent to Arab and non-Arab, to black and white, to pagans as well as those who may have received some scripture before, to people of his time as well as to all thereafter until the day of Judgment.

"The religion before Allah is Islam." [Surah Aal-`Imran(3), 19]

"Whoever desires a religion other than Islam, it will never be accepted from him, and in the hereafter he will be among the losers" [Surah Aal-`Imran(3), 85]

"And whoever disobeys Allah and His Messenger, for him there is the fire of Jahannam. There they will remain forever." [Surah al-Jinn (72), 23]

"Say, 'O mankind! I am the messenger of Allah to you all." [Surah al-A`raf (7), 158]

The Prophet (peace and blessings be upon him and his Household) has said that even if Moses were alive on the earth today, he (Moses) would have no option but to follow him (Muhammad) [Reported by Abu Dawud and Bazzar]

"By [Allah] in Whose Hand is my soul! There is noone of this ummah who hears about me, Jew, or Christian, and then dies without having believed in that with which I have been sent, except that he is among the Companions of the Fire." [Muslim]

3. Wala' and Bara'

Just as the Muslim loves Islam, and loves Allah and the Prophet, he will naturally feel a special affinity for other Muslims. Similarly, he will feel a revulsion for all beliefs which are contradictory to Islam. This is the sense in which the Muslim hates non-Muslims - he does not hate them intrinsically or as people, but rather he hates the falsehood they are following and their evil deeds and disobedience to Allah.

"Indeed, there was an excellent example for you in Abraham and those with him, when they said to their people, 'Indeed, we have nothing to do with you, nor with that which you worship besides Allah. We reject you, and there has appeared between us and you enmity and hatred until you believe in Allah alone.'" [Qur'an, 60:4]

As a consequence, the Muslim distances himself from the ways and deeds of unbelief.

"And incline not toward those who do wrong lest the Fire touch you, and you have no protecting friends against Allah, and afterward you would not be helped." [Surah Hud(11), 113]

The scholars of tafsir have said that "inclination'' comprises love, attachment of the heart and feeling pleasure in their actions, and to feel honor and respect for them. Ibn Abbas said that ``inclining'' towards the disbelievers means being favorably disposed towards them.

In the same vein, the Prophet has said,

"Do not say "Master'' to the hypocrite, for if he is indeed your

master, then you have displeased your Lord, the Mighty, the Majestic." [Reported by Abu Dawud with an authentic chain, as extracted in Riyadh al-Salihin, #1725.]

The same prohibition clearly applies, by analogy, to every innovator, sinner and unbeliever: to show honor to them stemming from or implying approval of their evil or unbelief - is unbelief.

Imitation is another sign of love and attachment.

"Whoever imitates a people is one of them." [Abu Dawud, Ahmad, Bukhari, also Tabarani and Bazzar]

In another hadith, it is attributed to the Prophet that he said,

"Every soul will be gathered according to what he loved. So, whoever loved unbelief will be with the unbelievers, and his good deeds will not benefit him at all." [Tabarani]

4. Interactions

Having established these general principles, we go on now to mention some specific guidelines.

Justice and kindness

Hating the unbelievers clearly not mean that the Muslim treats all of their deeds as automatically bad. He will acknowledge what is good, and in fact that good provides a basis for da`wah.

"You will find people to be mineral-ores, the best of them in Jahiliyyah are the best of them in Islam, when they acquire knowledge." [Bukhari, Muslim, Ahmad, Darimi; See: Fath al-Bari, 6/610]

He may also benefit from their knowledge in worldly matters in which they have expertise. In such a case, he should feel obliged to invite them to Islam as a kind of gratitude for whatever help they have given him. And his hate for their unbelief should not lead him to be unjust, or to lose sight of the need to try to bring them out of their unbelief and onto the path to eternal happiness.

"Let not your malice for a people lead you to not be just. Be just; it is closer to piety." [Qur'an, 5:8]

Da`wah

Hence, the Muslim should be trying to make da`wah to non-

Muslims with whom he interacts - in as wise and beneficial a way as possible.

"Call unto the way of thy Lord with wisdom and fair exhortation, and reason with them in the better way. Lo! Your Lord is Best Aware of him who strays from His way, and He is Best Aware of those who go aright." [Qur'an, 16:125]

One who rejects the message of Islam is a kafir. There is some difference of opinion among scholars as to whether a person is accountable for monotheism merely through reasoning, without having received the message. Regardless, however, our obligation is to present the message to non-Muslims in the hope they will accept Islam. This should not merely be for the sake of personal gratification, or furthering one's own agenda, or defeating someone else's arguments, but in obedience to Allah and the Prophet, and out of compassion, and desire for the eternal well-being of people.

Interfaith discussions, if they are intended as a form of da`wah, are then clearly recommended, provided those engaging in them have sufficient knowledge of Islam, and especially of Islamic doctrine (`aqidah). However, if they are used as a means of 'unifying' religions, or if lies are told about Islam in an effort to placate the non-Muslims, and/or out of ignorance, then their prohibition does not need any sclarification.

Bara'

Prohibition of taking as awliya' Q[5:51-8]

The friendship prohibited here clearly does not refer to amicable and just dealings with those who have not shown themselves as enemies of Islam. Rather, it refers to taking unbelievers as intimate friends to whom one divulges all his secrets (Bitanah: see Q [3:118]), in whom one confides and places trust, or whom one takes as allies and protectors, especially if they are being preferred over Muslims. Such intimacy is prohibited, for it may confuse the landmarks of Islam, making the distinction between Islam and unbelief unclear to others, and also affecting the Muslim himself in his practice of Islam, for he may start to become accustomed to unbelief and evil, and perhaps even to approve and love it. A Muslim who associates with non-Muslims in that way is revealing a grave deficiency in faith, and is approaching unbelief if he has not completely entered it.

"Whoever among you takes them as awliya' is one of them."

Such as person, though, we are assured, will not be able to harm Islam.

"O you who believe! Whoever among you turns back from your

religion, [let him know] Allah will bring a people who love Him and whom [Allah] loves, soft towards the believers, hard against the unbelievers, striving/performing jihad in the path of Allah, not fearing the blame of any blamer."

This verse gives the characteristics of the true believer; he loves Allah, is gentle with the believers, respecting their rights, and making personal concessions for his brothers and sisters, while hard with the unbelievers - in the sense of standing strong in iman, not compromizing his religion, and fighting the enemies of Islam - and not being concerned with people's criticisms as long as he knows he is acting Islamically.

Enjoining right and forbidding wrong (not compromizing, and not accommodating or honoring evil)

Finally, we should keep in mind that while associating with non-Muslims, we may not participate in any Islamically prohibited activities.

"And it has already been revealed to you in the Scripture that when you hear the signs of Allah being rejected and made fun of, then do not sit with them, for then you would be like them." Q[4:140]:

Approval of kufr is kufr, and clearly, to participate in activities of kufr - such as non-Muslim religious festivals - is kufr. Similarly, if people are telling jokes which make fun of Allah or a prophet or angel or Heaven or Hell or any other aspect of Islam - which is quite common even among supposedly religious Christians - a Muslim may not remain there if he does not try to stop it. To tell such jokes or approve of them is clear kufr, by the explicit text of the Qur'an. [Surah al-Tawbah]

Similarly, if wine is being drunk, one may not be a part of that gathering.

"Whoever believes in Allah and the last day should not sit on a table at which wine is being partaken of." [Ibn Kathir]

Summary of Interactions with non-Muslims

- condescending to and approving of their kufr, or loving and respecting them because of it, is kufr
- not approving of their wrongdoing, but rather showing repugnance, but not leaving either is fisq (trasngression) when there is no religious justification for being present.
- for some worldly need, when there is no kufr or haram activity involved is allowed
- to make da`wah to them is a form of `ibadah.
- out of genuine helplessness, such as if one is captured as a prisoner: this is excusable, inshaAllah, as long as the person's

heart remains firm, and he does his best to resist and/or change the evil around him.

w'Allahu a`lam